DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 November 1997

Wednesday, 5 November 1997

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Moore,** from 19 residents, requesting that the Assembly enact a Bill that reduces the penalties for assisted suicide performed under certain situations to no more than a $50 fine.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Assisted Suicide

The petition read as follows:

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:
>
> The petition of certain residents of the Australian Capital Territory respectfully draws the attention of the Assembly to the issue of voluntary euthanasia for the hopelessly ill.
>
> Considering that the Commonwealth *Euthanasia Laws Bill 1997* is law and voluntary euthanasia is therefore not permitted in the Australian Capital Territory, then your petitioners request the Assembly enact a bill that reduces the penalties for assisted suicide performed under certain situations to no more than a $50 fine.

Petition received.

PROSTITUTION (AMENDMENT) BILL (NO. 2) 1997

MR WOOD (10.32): Mr Speaker, I present the Prostitution (Amendment) Bill (No. 2) 1997.

Title read by Clerk.

MR WOOD: I move:

> That this Bill be agreed to in principle.

The Bill is short and simple, and readily understood. Its intention is to prevent the exploitation in Canberra of women who may be brought from Asia to Australia to work as prostitutes. Members may be aware of claims, and of the evidence in support of those claims, that young Asian women are brought to Australia for prostitution. Further, there are times when it appears that these women are sometimes held in what can only be described as "close confinement" with passports and income withheld. They seem to have very little freedom of movement and are much under the control of brothel owners.

There were a number of reasons for the Assembly's action some years ago to legalise brothels. Among these was that some protection should be afforded to sex workers; that this potentially hazardous working life should be as safe as possible. No doubt it is difficult enough for sex workers to stand up for their rights when they have been brought up in Australia. They speak the common language, they have a basic knowledge of their rights, and they have links to family and friends in the community. But a worker brought from overseas into a totally strange and perhaps threatening environment has very little chance of standing up for her rights. This trade must be stopped and we can do something about it in the ACT.

I cannot report to you that there are such workers here; but it is likely to happen as some of our brothels are owned by people who also own brothels in Sydney. We do read, every week, advertisements in the *Canberra Times* such as - and I quote from one of them - "New young Asian ladies - large selection". What grotesque wording, I might say. Of course, these Asian ladies may well be long-term residents or permanent citizens of Australia. I am not claiming that they are the sorts of sex workers this Bill seeks to protect. Among the amendments in this Bill is one to include in the objects of the Prostitution Act a new paragraph (e) which reads "to prevent people from overseas being brought into the Territory for the purpose of prostitution". While I have been talking about Asian women, the Bill, of course, relates to women from any overseas nation. This amending Bill adds a new key section to the Act, section 14A, which reads:

> The operator of a brothel or escort agency shall not employ a person other than a permanent resident for the purpose of prostitution ...

That follows a recognised definition of a permanent resident as "a person ... whose continued presence in Australia is not subject to any limitation as to time imposed by law". The amendments I propose also include certain penalties and protections. I look forward to debate on and scrutiny of this legislation.

Debate (on motion by **Mr Humphries**) adjourned.

ADMINISTRATION (INTERSTATE AGREEMENTS) BILL 1997

MR MOORE (10.37): I present the Administration (Interstate Agreements) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this legislation is about cooperative government. It is about reforming the way we operate. It is yet another concrete move in the approach that this Assembly has taken over some years to become more open and to ensure that what we do is an appropriate balance between the power of the parliament and the power of the Executive. Mr Speaker, this is a novel Bill. The debate is open and, I must say, I will expect amendments. Indeed, I invite amendments. I extend that invitation to do so.

Mr Speaker, I also make it very clear to members that this Bill has been privately drafted. It has not been through Parliamentary Counsel. I will be referring it to Parliamentary Counsel. As we are all aware, Parliamentary Counsel have been very busy over the last little while. I would not have had the opportunity to table this legislation and have it back in time to have it debated by the end of this year. When members see the legislation they may well find that they will be quite interested in doing so. Because of that I shall refer it to Parliamentary Counsel so that they can suggest amendments should they so wish.

It is unusual legislation, Mr Speaker, which, like the Statutory Appointments Act and the Subordinate Laws Act, which we amended in 1993, will ensure that the Assembly is able to perform as a legislature of high quality. There were those who claimed when those Acts went through that it would be the end of civilisation as we know it, or words to that effect. Mr Speaker, that has not been the result. The result of those Acts is that they have become part and parcel of the way we work. I think the debate yesterday on the amendment to the Statutory Appointments Act indicated that this Assembly is prepared to continue to work in a positive way in dealing with such issues.

This Bill, Mr Speaker, like the Acts I mentioned, ensures that oversight of the actions of the Executive operates at an empowered level, but the Executive can still do its task. The Bill also aims to ensure that the actions of the Executive do not constrain the freedom of the Assembly to deliberate on legislation without undue constraint. It ensures that, although a constraint must not apply in one way, it must also not apply in the other way. Mr Speaker, the Bill operates at the level of information and consultation. It puts on Ministers a duty to inform and to consult. Actual legal constraint on the actions which the Executive may take is kept to the minimum necessary to give effect to the aims of the Bill.

What the legislation is about, Mr Speaker, is changing a culture of secrecy, because in this area we have had anything but open government. Going into negotiations, there has generally been a culture of secrecy, and it is not just a culture of this Executive or the former Executive; it is a culture that is established by Executives around Australia. It is necessary to have this kind of legislation so that other Executives can understand that representatives of our parliament, the Executive, when they are at a ministerial council meeting, are constrained by legislation.

The first couple of clauses in the Bill are fairly standard clauses. The object of the Bill is set out very clearly. It is to ensure that the proper role of the legislature is not interfered with by necessity or compulsion to enact legislation arising from Executive agreements. There was a great deal of debate yesterday about COAG agreements and the impact they have had. This legislation is timely, Mr Speaker. It would be a great credit to this Third Assembly of the ACT if we were able to pass this legislation before we rise.

I think it is important to draw members' attention to some of the detail of the Bill. In the interpretation clause there is a definition of "interstate agreement". Because of this definition, the proposed Act applies only to issues which would lead to legislation. I am not intending to put a constraint on Ministers in negotiating other things that are matters of policy that may well be agreed. It is only when that policy will lead to legislation. The import of the legislation I am putting up is: What is the impact that an agreement has on how somebody might vote? What pressure will an agreement put on somebody who is entitled to look at legislation and vote openly?

There will be issues, Mr Speaker, which an Executive believes it is inappropriate for the legislature to know about at any given time, and that is why it is that in this Bill I provide the Schedule for such Acts. As a starting point, in that Schedule I include agreements that could be problems, such as where an ACT Minister and other Ministers make a reference to the National Crime Authority, perhaps on some matter of organised crime where secrecy is critical, which may in due time lead to changes in legislation. It is quite common for a recommendation from ministerial councils on the National Crime Authority, apparently, to do that, and I thank Mr Humphries's office for discussing this issue with me. So I have applied those to the Schedule. In the Schedule I also have an agreement reached in the course of meetings of the Australian Loan Council. They are matters of financial interest or something that we cannot interfere with anyway.

When I started this speech I extended to members an invitation to amend. I would also extend to members an invitation to add anything that would be appropriate to that Schedule. My guess is that the bureaucrats, having heard that invitation, will say, "Great. Let us just put everything that we ever make an agreement about in the Schedule". I do not think that will suit members here. It is quite clear from our debate on COAG and the resources legislation that we believe that we should be involved in the process, and it is that process that is absolutely critical.

Mr Speaker, this legislation is not, as people may have thought when I started, something that demands that the Executive do what the parliament says. It is about a duty of consultation and information. Mr Speaker, clauses 6, 7 and 8 put seven distinct duties or responsibilities on the Ministers. However, I must draw your attention to clause 10, where an excuse is provided for a Minister under extreme circumstances. In respect of urgent or extraordinary negotiations, clause 10 gives the Minister a capacity to avoid the application of one or more of the requirements of clauses 6, 7 and 8.

Mr Whitecross: Weasel words, Michael; weasel words.

MR MOORE: I hear an interjection, "reasonable". That is the correct word, indeed.

Mr Whitecross: "Weasel", I said; "weasel words".

MR MOORE: In fact, I have written "reasonable". "Reasonable" is the correct word. "Reasonable" is what this legislation is about. Like the legislation on statutory appointments and other legislation, it is appropriate that in dealing with this sort of legislation we should make sure that the Minister has a reasonable opportunity to deal with issues. However, if Ministers use clause 10 as an excuse they have to explain in writing to members why it is that they have reasonable grounds. So there is an opt out when they are notified. There will be other urgent things, and when an urgent issue arises and that excuse is used by a Minister the Minister must inform other members of what happened and what the grounds were, and they must do so within seven days.

Mr Speaker, I would accept the accusation if somebody pointed the finger and said, "This is soft legislation". It is soft legislation. It is new ground. The duty that I am trying to put on Ministers, the duty that this legislation puts on Ministers, and I emphasise this, is to consult and inform members so that nothing comes as a surprise. Clause 11 of the Bill simply makes sure that, if two Ministers are involved in negotiation, only one of the Ministers has to fulfil those responsibilities. Mr Speaker, this parliament has always considered that legislative requirements on Ministers are a very important part of the way we operate. It seems to me that there is a requirement in this Bill that will take us another step towards reforming the way this Assembly operates in order to improve the outcomes for the community.

Mr Speaker, on the issue of interstate agreements and negotiations with other governments, we have been mushrooms long enough. This legislation will mean it is no longer good enough to keep us in the dark and feed us on manure. Rather, it will ensure that we are informed and we understand what is likely to come back to this Assembly for agreement. This will also help the Minister. Ministers and former Ministers in this place have told me that one of the difficult parts about going to negotiate in ministerial councils is to try to work out and calculate where other members are likely to stand, within their own Cabinet, within their own caucus, or within their own party room, as well as judge what the crossbenchers are likely to do and what the other party is likely to do, and thus try to work out where the numbers are. A piece of legislation like this forces what has become a much more common process in this Assembly, namely, a round table process whereby members work together, get involved in issues and understand what the general issues are.

This Bill, Mr Speaker, gives us an opportunity to demonstrate yet again that this legislature works far better than any other legislature in Australia and that the reforms of this legislature are continuing. They continue on an evolutionary basis, not a revolutionary basis, as some in our community would have us proceed, so that we will ensure appropriate accountability and the best outcomes for the people of this Territory consistent with the aim of this Assembly that we reiterate when we pray or reflect at the beginning of each sitting. Mr Speaker, I commend the Bill to the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

DISCHARGE OF ORDERS OF THE DAY

Motion (by **Ms Tucker**, by leave) agreed to:

> That orders of the day Nos 9, 10, 13 and 16, private members business, relating to the Birrigai Outdoor Education Centre, a National Museum on Yarramundi Reach, Commercial Vehicles Parking on Residential Leases and the Government Response to the Standing Committee on Social Policy Report No. 2 on the Prevention of Violence in Schools, respectively, be discharged from the notice paper.

DRUG STRATEGY

MR BERRY (Leader of the Opposition) (10.50): I move:

> That the Legislative Assembly:
>
> (1) notes with concern the new drug policy initiatives outlined by Prime Minister John Howard and, while welcoming the extra funds to address the problems associated with growing drug use in our community, believes that the focus of the policies is narrow and incomplete;
>
> (2) notes that the extra funding for law enforcement does not adequately replace funding previously cut by the federal government;
>
> (3) believes that the best approach is broad-based, encompassing a wide range of harm minimisation initiatives which will reach the maximum number of drug users and that in developing initiatives it is important to remember that there is a wide range of drugs in use and many people use more than one drug;

(4) believes that the programs put in place should primarily seek to deter people, particularly young people, from taking up drugs as well as minimise the harm associated with drugs and the harmful use of drugs and such programs should include education, treatment and rehabilitation programs focused to meet the special needs of the targeted groups rather than based on out of date formulae;

(5) believes that no person seeking access to rehabilitation or other treatment programs should be forced to wait to gain entry.

Mr Speaker, this motion has been put forward by me to deal with the emerging drug problem - a very serious issue that needs the attention of the Assembly - and it follows in the wake of decisions by Prime Minister Howard. I want, first of all, to thank members for convening an Administration and Procedure Committee meeting yesterday to ensure that this amended motion could be included on the agenda today.

It is a two-part motion. Firstly, it expresses concern over the approach to drugs taken by Prime Minister John Howard in his recently announced drug strategy. I have seen in media reports the comments of others in relation to this matter, but I would say that John Howard's approach is what you would expect from a "back to the future" Prime Minister who still seems to be living in the 1950s with picket fences and FJ Holdens. I think he has been very deserving of the criticism he has got. There has been criticism in the past of his other decisions in relation to the heroin trial which was proposed in the ACT. I have had something to say on that, and I have had something to say about the Labor Party's position in relation to that. As long as Prime Minister Howard has his way - and others - there will not be an option available to the Territory on this matter. There will not be an option to pursue this course in the Territory. That is regrettable, but we have to move on in the circumstances available to us.

Secondly, the motion states that the Assembly believes that the best approach to drugs is a broad-based, multifaceted approach that can respond in an innovative way to the needs of drug users. I say again that John Howard has stuck his head in the sand over drugs. I mentioned a little while ago that he was unwilling to give the heroin trial a go. He came up with his own strategy which returns to what other people have described as "just say no", and a "lock them up" approach to drug use. That is not to say that young people saying no to drugs is a bad thing, but the "just say no" approach from John Howard is one that is tired and does not hit the right chord in terms of a public education approach and it will not work. It is a worn-out slogan and ultimately it will fail our young people.

While education is a very important aspect of a successful drug program, the message must be realistic and it has to be crafted in a contemporary fashion to meet the needs of young people and the target audience. It must recognise and respond to peer pressure, the desire of young people to try new things, and the fact that drugs are easily available for young people. Few of them see the dark side of drugs. Most see drugs only as

a recreational substance that is freely available to them. Heroin trials and alternatives to the existing process of dealing with the drug problem have sent the community a message which suggests that serious drug use has become a recreational issue which young people should not be that frightened of; but, of course, they should. Our drug messages must be tailored to respond to these realities. Just telling kids to say no is not a smart approach because it is a worn-out slogan. While I welcome the small increase in funds - - -

Mrs Carnell: I raise a point of order, Mr Speaker. I wonder whether Mr Berry could please tell everybody here where "just say no" is in Mr Howard's statement, because that would certainly be interesting to me in terms of whether I vote for this motion or not.

Mr Corbell: I take a point of order, Mr Speaker. There is no point of order. It is frivolous.

MR SPEAKER: Mrs Carnell is rightly drawing attention to the motion that is before the Chair. I just remind Mr Berry. He might like to work his way back to that.

Mr Corbell: Under what standing order?

MR SPEAKER: Relevance.

MR BERRY: Rubbish, Mr Speaker! The "just say no" approach is the approach that John Howard has taken in the past, Mrs Carnell, if you have not noticed. I know that he is your preferred Prime Minister and that he wears a little saintly crown, a halo, all the time; but he is your problem, not mine. While I welcome the small increase in Federal funds available for drug programs in the ACT, it must be noted that the ACT Government must also respond to the growing problem in the ACT and divert funds into these areas as well. At the end of the 1995-96 financial year Healthpact had reserves of $1.047m, but less than one per cent of its $2.212m in funding had been allocated towards drug messages. With overall reserves of over three-quarters of a million dollars expected at the end of this financial year out of a revenue of over $2.9m, there is plenty of funding available for urgent drug initiatives; but they have not been taken by this Government opposite. This would allow a range of programs to be developed to ensure that the anti-drug message was delivered in the most appropriate ways.

I heard this morning that Mrs Carnell had put out a press release criticising Labor, or me in particular, about the refocusing of funds in the drug and alcohol budget. It talked about some removal of funding from Mancare and transferring it somewhere else, and it was highly critical on that issue. She was very careful not to mention the fact that it was Labor, and me in particular, who made the biggest advance ever made in the ACT when we expanded the methadone program from 80 places to something like 300. You did not mention that, Mrs Carnell.

Mrs Carnell: How many do we have now?

MR BERRY: There was a threefold or fourfold increase by Labor. We broke the ice. Mr Speaker, it would be a good use of Healthpact's funding if there were more initiatives taken in relation to the anti-drug message, but Mrs Carnell has steadfastly refused to direct Healthpact to take on the issue. The Health Promotion Act allows Mrs Carnell to issue specific directions, but none have been forthcoming. My motion provides all of the avenues for Mrs Carnell to try that direction now. She has the option in front of her.

Why can she not issue the direction? Because Mrs Carnell is not committed to this cause. When Mrs Carnell is able to find $300,000 for a little used futsal stadium, or any other name you would wish to call it, depending on the day, and while she holds over $750,000 in reserves - or did hold at that time - in the Health Promotion Fund, Healthpact, I will not sit back and ignore the need for rehabilitation programs and commonsense warnings about drugs.

Mr Speaker, we have got to the stage where the waiting list for people trying to get onto programs to help them kick their habit is growing.

Mrs Littlewood: Is it?

MR BERRY: At the end of June, Karralika had 25 people waiting to gain access.

Mrs Carnell: What was it when you were there? Do you know?

MR BERRY: I am not currently aware of the position now, but there were 25 people waiting. Mrs Carnell interjects, "What about when you were there?". Mrs Carnell, I moved, remember, and made a big investment in providing alternative services to heroin users in the ACT. More than three times the number of people were admitted to the methadone program under me as Health Minister. Nobody has matched that performance.

One would have thought that, with the large amount of publicity over the drug problem over the past month, Karralika's inability to deal with the demand on their service would have been addressed by a government concerned about drug use. I am sure that most members of the Canberra community, and probably nationally as well, would be surprised to know that, at the same time as the ACT Government was furiously promoting the heroin trial, drug-dependent people in the ACT wanting to kick the habit by using more conventional rehabilitation programs were unable to do so. It is an outrage that people cannot go onto drug rehabilitation programs while the Government seems to be directing most of its energy to experimental programs. We should do everything possible to help people who are trying to get off drugs and to sort out their lives.

Mrs Carnell: So you support the Prime Minister's approach?

MR BERRY: Every day they stay on drugs is another day that they are at risk of an overdose. No, I do not support the Prime Minister's approach.

Mrs Carnell: There is $21.5m for residential treatment programs. You must support it.

MR BERRY: That is $21.5m spread across Australia. What is the ACT's share? You are going to have to come up with some money, Mrs Carnell, because there is not going to be enough to go around. Every day they stay on drugs is another day they are at risk of an overdose or of resorting to crime to fund their habit. They continue in a lifestyle which harms themselves and others around them.

Rehabilitation programs in the ACT, on my last advice, can cost as little as $42 a day, compared to $140 a day for a drug user in gaol, and around $600 a day for a hospital bed, aside from the social impact of inappropriate drug use. It is clearly better value to help people get off drugs than it is to drag them through the court system or burden the health system, and more money is needed for rehabilitation as a matter of urgency. Some of that money will come from the John Howard approach; but I doubt whether it will be sufficient to deal with the Territory's problem, and again I mention the ability of the Chief Minister, if she wanted to do so, to draw on funds already available to her. It is ludicrous, and a sign of the Government's inappropriate priorities, that there is a waiting list for the services which I have mentioned.

This motion also recognises the need for a multifaceted and innovative approach to drugs. While I am disappointed that the heroin trial was buried by John Howard, it does not mean that we as an Assembly abandon an innovative approach to curbing drug use in Canberra and assisting dependent people. We do not have to accept John Howard's limited and fundamentalist approach. We need a strategy that includes a flexible and innovative use of education, treatment and rehabilitation, harm minimisation programs that will reach the maximum number of drug users in our community, and law enforcement for drug dealers.

We must also recognise that not all drugs are the same, and that many people will use more than one. One program will not assist all drug users. The heroin trial, for example, will not reach cocaine users, or 14-year-olds who prostitute themselves for heroin. We must be able to assist them in ways that will be successful for them. Unfortunately, I think some in our community have lost the focus of our goal, which must always be to lower the incidence of drug abuse in our community. It is not to legalise hard drugs, nor is it to turn addicts into criminals.

Despite ridicule from the Liberals, my concern over the growing use of illicit drugs in the ACT is genuine, very genuine. It is not a newly found concern, but is one that has been expressed on the record many times in past years. As I said, as Health Minister I was the first ACT politician to raise at the Ministerial Council on Drug Strategy the issue of a possible heroin trial to test the efficacy of the legal supply of heroin, consistent with the Labor Party's commitment to drug law reform. I also moved to quadruple the number of people on the methadone program. But I never believed that these programs would provide all the solutions to dealing with illicit drugs and drug abuse in our community.

We must abandon the single-minded pursuit by the Liberals and we must not abandon preventative and other rehabilitative measures. Neither Liberal approach will solve our drug problem. "Just say no" and "just say 'heroin trial' " will both allow drug abuse to grow in our community. I urge the Assembly to support this motion and activate a broad-based and multifaceted response to drug abuse in the Territory. We have got to the stage where there is a waiting list for people trying to get onto programs to get off their habit. These sorts of things should not prevail any longer. I urge members to support the motion.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.05): Mr Speaker, I am almost dumbfounded that Mr Berry could stand up and make those comments on this issue. It was only in the September sittings that Mr Berry got up and made comments such as, "Prohibition has worked".

Mr Berry: For some people.

MRS CARNELL: No, you did not say "for some people". You said that prohibition has worked for almost all people. That was the approach, you said. He also spent a fair amount of time getting stuck into Mr Moore and me for trying to get broader approaches to drug therapy. I might use that just a little bit later.

This is the other thing I find quite fascinating. Mr Berry, as I remember, had a brave new world approach in September. He had a press conference and spoke to the world. I think I have his press release here. It is headed, "Labor's push to get back to the issues that effect Canberran's everyday lives". There was a big press conference. I think he made comments in the Assembly as well, Mr Speaker, but I could be wrong on that. He said here that we must rebuild our economy and create jobs - all the things I totally agree with - and then he said that what we would not be talking about anymore was such things as euthanasia, heroin trials, or any of this sort of drug stuff. But guess what he has as the first item on the agenda of the first private members business in this sitting? Drugs, Mr Speaker. There is nothing about jobs, nothing about local business, nothing about the future of the Territory; it is about drugs. It did not last long, Mr Speaker.

Mr Berry's approach here is simply political opportunism in its worst form. It is an absolute stunner, Mr Speaker. Nobody except Mr Berry, I believe, would criticise the approach that this side of the house has adopted in the drugs area in an attempt to broaden the whole approach, the whole debate on the drug issue.

Mr Berry: You have failed miserably. You set us back 10 years.

MRS CARNELL: Mr Berry, you might be interested to know that we have 430 places in the methadone program now, not the 300 or whatever it was that we had. The methadone program certainly is increasing. All of those things obviously do cost money. Mr Berry might also be interested to learn that there are more than 135 beds available in the Territory for alcohol and other drug rehabilitation and detoxification, in both the government and non-government sectors.

Mr Berry: Do not do it then. Forget about it. We do not have a problem.

Mr Humphries: I take a point of order, Mr Speaker. Mr Berry was heard pretty well in silence during his remarks.

Mr Corbell: He was not.

Mr Humphries: He was, and Mrs Carnell has been continually interrupted by Mr Berry during this address.

MR SPEAKER: I uphold that point of order. I have been listening very carefully. I know that there were interjections when Mr Berry was speaking, but they were not constant. I would remind members that we have another 11 days of this sitting. The first suspension is for three hours; the second suspension is for two days. If people wish to contribute to the debates in this chamber, I would ask them to reflect upon those penalties.

Mr Corbell: What about a direction to speakers not to provoke other members?

MR SPEAKER: I will be conscious of that.

MRS CARNELL: Thank you very much, Mr Speaker. It should be noted that in the ACT both the government and non-government sectors play a significant role in providing services such as residential rehabilitation, detoxification, case management counselling, court treatment referral, health promotion, 24-hour help lines and family support services. The fact is that Mr Berry simply has not done his work here, as always.

In its recent report entitled "Drugs Money and Governments", the Alcohol and Drugs Council of Australia reported that the ACT provided more funding on drug programs and services per capita than any other jurisdiction except the Northern Territory. The Northern Territory provides more simply because of its alcohol treatment programs for indigenous people, which are quite significant in that part of the world, and they do not have an awful lot of people. Apart from the Northern Territory, the ACT spends more per capita in this area than any other State. Is that clear, Mr Berry? Have you got it this time? They are not our figures, Mr Berry, but the figures of the Alcohol and Drugs Council of Australia. The ACT provides more funding than any other jurisdiction except the Northern Territory.

In its report, which looked at 1995-96, the council also rated the ACT second in ensuring that treatment programs and services were available and that programs were available to prevent and reduce problems. We were second in Australia, Mr Speaker; not exactly a bad outcome. So, Mr Berry, wrong again! You said that there were not very good outcomes. We were second in Australia. The ACT provides approximately $3.6m a year on drug and alcohol problems, including more than $1.2m on education. Mr Berry comes in with the simplistic notion of, "Let us chuck more money at it"; but not if Mr Howard chucks more money at it, because if he does we should have a go at him in the Assembly.

In 1994 - as I remember, we were not in government then; in fact I suspect Mr Berry was Deputy Chief Minister at the time - what happened to the Mancare program? In 1994 his Government cut their funding by 20 per cent. There was a 20 per cent cut in one year for a rehabilitation program.

Mr Berry: The 1994 budget? I was not even a Minister.

MRS CARNELL: Mr Berry, are you saying you were not responsible for anything the Labor Government did? Is that what you are saying?

Mr Berry: I was not a Minister.

MRS CARNELL: Rubbish, rubbish, rubbish! Mr Berry is the first one to suggest it is my fault when people hang up signs in Canberra. He said he was not responsible for a budget decision under his Government. Heavens! He has the audacity to come in here and demand that this Government increase spending on rehabilitation services. What a joke!

I referred earlier to the need to evaluate ACT drug strategies before we race headlong into new expenditure proposals. Mr Berry has been speaking a lot about rehabilitation programs, but again he has not looked at the facts. He has not looked at what is working and what is not working, or where we can get the best value for our dollars. There is no doubt that Karralika does a wonderful job - Mr Berry was speaking about that earlier - but I think it is important to look at the statistics. During 1996-97 approximately 156 clients were admitted to Karralika, which offers long-term rehabilitation of approximately 10 months. Half left the program in the first two weeks; that is, 50 per cent were out after 14 days. The number of clients who progressed through the three phases of the rehabilitation program was 26 per cent of the total number that were admitted; in other words, one in four.

I have visited Karralika. I want to commend the program for the excellent work it does, but it does that work at substantial cost. We have to ask, even though this program clearly works for some drug users. What happens to the other 75 per cent? The same applies to Mancare. If we are looking at simplistic results, or simplistic outlooks, you can just look across the room at Mr Berry. It is very simple, Mr Speaker, to come up with the lines Mr Berry has come up with; yes, prohibition works for most people; yes, let us get back to rehabilitation. But let us, first and foremost, look at where we are getting the best bang for our buck. Let us look at making sure that there is a whole range of choices for people who have a drug problem in our community. Let us make sure that the education that we put out there to schools is not along the lines that Mr Berry and, I have to say, Mr Howard believe are the appropriate approach. I think Mr Berry even has it in his motion. He says that we really should be looking at eliminating drug use fully. Yes, that would be lovely, but it simply is not a reality.

I think it is really important to look at what Mr Berry has said in the Assembly and what Mr Howard said in his speech, and you will see the similarity, Mr Speaker. It is actually the same statement. They are the same words. So how Mr Berry can get up and put a motion in this place condemning Mr Howard for saying the same thing that he said is an absolute mystery. *Hansard*, at page 2766 on 2 September, reported Mr Berry as saying this:

> The Labor Party has called upon the Government to do more in relation to rehabilitation and it has called upon the Government to do more in relation to education. I have been critical of both Mr Moore and the Government in relation to the constant debate about the heroin trial and those sorts of things without sufficient emphasis being placed on other matters.

Fine; an absolutely fine statement. Mr Howard, in his statement, says exactly the same thing. Under "education", on page 4 of his statement, he says this:

> While these supply reduction measures -

he had spoken about them earlier -

> will undoubtedly make inroads in reducing the availability of illicit drugs, the Government understands that no country in the world has been able to completely stop the flow of illicit drugs.

Okay. I agree with that. He then goes on to speak about the need for school education, community information and support, and says that we should be looking at eliminating drugs for the next generation - all of these sorts of things that Mr Berry talks about. Then, on page 5, he goes on to treatment programs - exactly what Mr Berry talks about. Mr Howard says we should be aiming more at treatment programs, new community treatment facilities, a particular emphasis on filling geographic and target group gaps in coverage, and so on. He goes on in the paper to refer to research.

There are a number of comments in this paper from the Prime Minister that I do not agree with. I do not believe, as the Prime Minister does, that this issue is about moral leadership. I believe it is about compassion. I do not believe that this is simply an easy issue. Mr Berry has tried to make political capital out of an issue on which nobody should do that. I think the Prime Minister has attempted to do that too. But for Mr Berry to bring forward a motion like this, to have a go at the Prime Minister for bringing forward a policy that looks at increasing the amount of money for the AFP and Customs, spending more money on education and treatment facilities, when Mr Berry said exactly the same thing over the last month both in the Assembly and out there in the community, has to be the height of hypocrisy. It simply has to be, Mr Speaker.

I believe that this Assembly has done very well in the past in trying to have sensible rational debates on the very large problem of drug abuse. Unfortunately, over the last month or so, Mr Berry has decided to play politics on an issue on which, I have to say, he should not play politics. I do not think there is any way that the motion as it stands should be supported in the Assembly. I have circulated some amendments which suggest that if we are going to make the comments we made about John Howard we should also add the Leader of the Opposition, Mr Berry. Mr Berry, in his motion, makes a comment about Federal Government cuts to the AFP and Customs in law enforcement areas. Those cuts, as you would have heard from the AFPA, have been going on for the last 15 years. If you are going to have a go at this Federal Government, you certainly have to add previous Federal governments because it is not a new problem. At least Mr Howard has put some extra dollars back into that area. I understand that Ms Tucker has an amendment as well which I think is very appropriate.

MR SPEAKER: Would you like to formally move your amendments? You will need leave because you have two.

Leave granted.

MRS CARNELL: I move:

(1) Paragraph (1), after "John Howard" omit "and,", substitute "and the Leader of the Opposition Mr Wayne Berry".

(2) Paragraph (2), omit "the federal government", substitute "the current and previous federal governments".

MR MOORE (11.19): It is with pleasure that I rise to speak on this particular motion. Mr Berry, in this house on a number of occasions, although not recently, has used the term "putting the blowtorch to the chest". That describes the sort of pressure that has been put on Wayne Berry since he put out a press release on 2 September about Labor's push to get back to the issues that affect Canberrans' everyday lives. The irony is that we have not seen anything from Labor about the push to get back to the issues affecting Canberrans' everyday lives. We have not seen anything about rebuilding the economy; we have not seen anything about creating jobs; we have not seen anything about giving our children higher-quality education and maintaining the quality of life that we have enjoyed in Canberra. We have not seen anything at all from Mr Berry on those things. That is the reality. Instead, he said, "We are not going to have anything to do with euthanasia. We are not going to have anything to do with the heroin trial".

If that had been all Mr Berry had said, it would have been fine, but we should judge him personally by his actions. He set up a conflict in this Territory to ensure that there was not a bipartisan approach to dealing with illicit drugs. I want to give the specific example about safe injecting rooms. Mr Berry was invited, along with other members and police officers, to meet in a round table conference on safe injecting rooms.

Mr Berry: I am not a member of the coalition, Michael.

MR MOORE: You are not a sensible member of the community either. A stack of community groups were there as well, Mr Berry, trying to work out whether or not we could deal with this issue in a bipartisan way - not outcomes, but just whether we could deal with it in a bipartisan way. We sat around a table. Mr Osborne was there; the Greens were there; community groups were there. We did not come to any conclusions. We had raised the issue, the police had raised a number of concerns and we said, "We will go to the next step and then we will come back to the meeting".

In the meantime, Mr Berry makes the whole issue very public and says, "What is this about" - he did not say "safe injecting rooms" - "shooting galleries all over the place?".

Mr Berry: Put the legislation forward.

MR MOORE: Even now he says, "Put the legislation forward". Indeed, that may be necessary, but it might not be necessary to have it. We were prepared to sit around and discuss the issue first. Mr Berry, of course, has called for that on a number of occasions.

"Why do we not sit around and discuss the issue, instead of trying to make political mileage out of it?", he has said publicly on a number of occasions. He, and he alone, is the reason. He does not want to be a cooperative player. All he wants to do is sit there in opposition and say, "I will kick and I will scream that everything is going wrong and in that way I will become Chief Minister".

Interestingly enough, it is likely to work. I expect that he will be Chief Minister following the February election. The Datacol polls in the *Canberra Times* indicate very clearly that Labor are doing extremely well. My observation from watching these polls carefully since 1988 is that they are very accurate. I expect that Mr Berry will indeed be the next Chief Minister. What chance will he have of a cooperative approach when he wants to do things? Like his counterpart in the Federal Parliament, John Howard, he will be saying, "Come on, let us have a bipartisan approach", after he has kicked heads in on the other side. Kim Beazley is absolutely right on this issue. John Howard does not deserve a bipartisan approach. He is the one who rejected a bipartisan approach by Ministers from across Australia, including a Labor Minister. He does not deserve a bipartisan approach; nor does Mr Berry.

Letters have been written to the editor and pressure has been exerted by people within Mr Berry's party, not to mention the people who have left his party because of what he said. If he thinks he is doing very well on this issue, then he ought to look at his records. People have come to me and said, "How can I help you? I am leaving Labor because of Wayne Berry and his approach to illicit drugs". Then we get this duplicitous approach. Wayne arrives in this Assembly and he says, "I am going to put up a motion". The first motion he puts up is the one - - -

Mr Berry: Mr Speaker, I do not think "duplicitous" is allowed in this place, and I think he should be asked to withdraw it.

MR SPEAKER: I will check the word.

MR MOORE: Thank you, Mr Speaker. I will continue while you are doing that. It seems to me that anybody who reads on yesterday's notice paper the first motion Mr Berry put up and compares it with the motion that he moved today will see the duplicitous nature of Mr Berry and the way he approaches these things.

MR SPEAKER: Would you mind withdrawing the word, Mr Moore.

MR MOORE: Mr Speaker, I withdraw the word "duplicitous" in favour of "double standards". You only have to read yesterday's notice paper and look at today's notice paper and I believe that many people - although I will not be able to - will draw the conclusion that it is duplicitous on Mr Berry's part. I am not able to draw that conclusion, but I am sure that many people will be able to. We get a much more reasonable motion on today's notice paper. I agree wholeheartedly with Mr Berry about the approach John Howard has taken. It is absolutely narrow and incomplete. There is no question about that.

Mr Speaker, it is interesting that Mr Berry has made the same accusation about me and Mrs Carnell, saying that we also have a very narrow focus on drug policy because we have focused only on a heroin trial. That is absolute nonsense, Mr Berry, and you know it. There was an appropriate time to focus on that issue primarily in order to get it through the Ministerial Council on Drug Strategy. That is what I did and I am very proud of that. I am very proud that I followed that approach at that time. But at no stage have I ever forgotten the issue of rehabilitation and treatment, particularly treatment. Treatment includes much more than rehabilitation and is based on the very principles outlined in this generally very good motion about harm minimisation.

The language used by John Howard is the exact language of the prohibitionists. It is nothing else. He even goes to the extreme of using the American language of "zero tolerance", "just say no" and "a war on drugs". John Howard has picked those expressions up, and no wonder. He got his axeman, Max Moore-Wilton, to do a study. Max Moore-Wilton spent four weeks studying the matter and came back with the statement that John Howard made. The study that Max Moore-Wilton did is still secret. The Prime Minister is going to keep it secret. Why is he going to keep it secret? That is an excellent question. I will tell you why he is going to keep it secret. It will not stand up.

I have already circulated to members a copy of a publication called "Drug Law". Twenty-six royal commissions and inquiries since Marriott first reported to the Senate in 1971 have overwhelmingly said that the approach John Howard has taken is the wrong way to go. John Howard has a secret document that says, "Follow the way of the Americans". He will not make it public, because we know that it will not stand up to scrutiny. The reports of all those other 26 inquiries are public documents. I have read them all. There is one small section in the report of the Williams royal commission that has not been made public, but the other reports have been. They all took a broad approach to dealing with the problem of drugs. Mr Berry is right in this. I think this is where we are all agreed. There must be a smorgasbord of approaches. While there is a broad range of approaches, some of the approaches will suit some people and some will suit others.

Of recent times we have heard people and the media talk a great deal about ultrarapid detoxification and the use of naltrexone through an anaesthetic process. In that process we see a very strong focus on one small method which I hope will be adopted here and which I hope will be helpful for 10 per cent of the people, or something along those lines. It might even go to 15 per cent, in which case it will be great. But it is only part of a broad armoury. *(Extension of time granted)*

What we have here is a very important motion, and the general nature of this motion must be seen on its face value as adding to the approach that we take to this Assembly and to the way we deal with illicit drugs. Apart from the Max Moore-Wilton report, a recent report commissioned by the Ministerial Council on Drug Strategy assessed the Australian drug strategy method. It was done by a Canadian and an Australian professor.

Their names have just slipped my mind, but I can find them for any member who is interested. The report said that one of the most successful strategies in the world, and an approach they should continue, was the harm minimisation approach. That study was done over a year. It took into account a whole range of community opinions and listened to the evidence of others.

That was not the approach taken by Max Moore-Wilton, who I presume spoke to a couple of bureaucrats, to the Salvation Army and to the Americans. He probably did not need to speak to the Americans. He already knew what they thought. I do not have a problem with the Salvation Army having that view. It is a consistent view. They oppose the use of any drugs whatsoever. I can understand that. I can see the consistency. What we are interested in, though, is a public health approach. The only public health approach that has shown any effect at all across the world has been one based on harm minimisation. I know that Mr Berry, as Minister, also supported that approach of harm minimisation. That is why generally I support this motion.

I will be moving an amendment to paragraph (4) to make sure that it is very clear that harm minimisation is the priority. To explain it, I would like to read a declaration of a meeting of the Australian Parliamentary Group for Drug Law Reform in Melbourne on Sunday. This meeting included members of the Liberal Party, the Labor Party, the Greens - Ms Tucker was there representing the Greens - the Democrats, and Independents. They were a very wide-ranging group of people. We made this declaration:

> This meeting of the [Parliamentary Group], specifically called to discuss drug education -

note that the group was meeting specifically to talk about drug education -

> has warned the Prime Minister that 'zero tolerance', abstinence-based drug education is doomed to failure and is likely to lead to increased drug use.

The evidence is overwhelming. The declaration continues:

> This meeting recognises that any drug education program focusing on abstinence not only does not work, but also undermines the development of sound information-based programs.
>
> The [Parliamentary Group] therefore calls on the Prime Minister, in implementing a drug education strategy, to:
>
> Present information which is based on sound scientific research;
>
> Ensure that programs seek to enhance genuine knowledge and awareness of drugs, their dangers -

and they all have dangers -

and the issues facing young people;

Evaluate education models to ensure the adoption of strategies which are shown to minimise the harm associated with drugs and to minimise the harmful use of drugs.

The meeting:

reconfirms its commitment to the Charter for Drug Law Reform;

re-emphasises the failure of prohibition;

re-emphasises the unattainable goal of the 'drug free society'; and

re-emphasises the danger that a policy of prohibition escalates rather than minimises the damage to society.

Mr Speaker, it is for those reasons that I will move an amendment to paragraph (4). The amendment would mean that the motion then would read:

That the Legislative Assembly:

... ...

(4) believes that the programs put in place should primarily seek to minimise the harmful use of drugs and such programs should include education, treatment and rehabilitation programs focused to meet the special needs of the targeted groups rather than based on out of date formulae.

Mr Speaker, that does not preclude what Mr Berry is looking at, namely, deterring young people from taking up drugs. It just does not put it as priority one. The amendment that was circulated omitted the word "up". I apologise for that. This is a wonderful opportunity for us to re-emphasise our commitment to harm minimisation. That is why I will be supporting the motion.

MR OSBORNE (11.35): I will be very brief today. I do not feel that this motion of Mr Berry's is about our views on drugs. I think it is about something else. I think it is about consistency. I do not think I need to tell you, Mr Speaker, how hard it is at times sitting next to this gentleman in the Assembly.

Mr Moore: The one with the furry face.

MR OSBORNE: The king of marijuana, the king of heroin trials, the king of euthanasia. I find it very hard at times even to look at him, but grudgingly I respect him because at least he is consistent. Whether I like his views or not, or like other members' views or not, I respect them when they are consistent. I feel that on the issue of drugs I have been consistent throughout my term in the Assembly. I have certainly looked at issues

and I have moved ground a little bit on some things, but I still stay opposed to some of the things that Mr Moore likes. On other issues in the Assembly I have changed my mind, but only because I have looked at the issues.

I think what we are seeing today, Mr Speaker, is why the general public holds politicians in such poor regard. They can see through what Mr Berry is doing here. Quite honestly, the Labor Party has been pathetic over the last month on the issue of drugs. I never know what they are supporting from day to day. I wake up one morning and I see a newspaper column and I think, "Great. They are with me". Then the next day they are not. If you are going to be the next Chief Minister, Mr Berry, I expect you as Leader of the Opposition to be a leader, a consistent leader, and not a hopeless joke.

MS TUCKER (11.37): We will be supporting this motion and all amendments to it. I will speak to the motion first. As a member of the Parliamentary Group for Drug Law Reform, I listened to a number of experts on the issue of drug education over the weekend. It was an interesting coincidence that we had the Prime Minister's statement at the same time. It was quite clear to me that the Prime Minister's stance was extremely inappropriate and ill informed. Research has clearly shown that prohibition does not work - it has not worked - and that education must focus on the relative harm and how to minimise that harm. Obviously, taking that to the extreme, you can minimise harm by not taking part in the activity at all; but, if we are to reduce the deaths from drugs, we have to acknowledge that that is only part of the spectrum and certainly not the only response.

So many of us indulge in risky behaviours. Driving a car is risky; drinking alcohol is risky; having sex is risky; smoking cigarettes is risky. What does the community do in response to these activities? We do not ban them. We seek to educate the community to minimise the harm associated with them. A lot of money and energy goes into showing people how to minimise the risks in driving a motor vehicle. We have safe-sex campaigns. We have health warnings on cigarettes. We have vast educational campaigns on alcohol as a legal drug. We know that to ban these things would be to send them underground and make matters much worse. Such an initiative would be quite useless.

Howard's line is very ignorant of the research that has taken place. It is important that we make strong statements to counter what could end up being a move which takes us back years. The Prime Minister's statement is interesting in the language it uses. The heading is "Tough on Drugs". He says:

> I am pleased to announce a tough new campaign to combat the drugs menace facing Australian families.

How emotive is that? There is no touch of caring or compassion in that statement. There is no acknowledgment of why young people will use drugs in an inappropriate way. It is just about being tough and stopping it.

It is for "young people who have been targeted by drug dealers". Once again, this is very aggressive language. These young people are portrayed as being totally powerless, and as being got at by drug barons. Surely, as Michael Moore said yesterday and as one of

the speakers in Melbourne said, that is the argument for why we should be saying, "Know about drugs", not "Say no to drugs", so that young people are not powerless if they are exposed to drug dealers. Mr Howard says:

> Drugs should be despised by young people ...

For heaven's sake, alcohol is a drug. Is Mr Howard going to say that every citizen in Australia should despise alcohol? He is not saying that. Of course he is not. The community says that alcohol has the potential to be dangerous and people need to be aware of that.

The thing that worries me most about this statement is the sentence:

> "Tough on Drugs" provides moral leadership against drugs ...

That is it in a nutshell. For John Howard, it is a moral issue. He does not seem to understand that it is a health issue and a social issue that needs a complicated response and understanding. I think we should be getting tough on poorly researched, populist policy initiatives such as Mr Howard's proposal, which will be a waste of taxpayers' money and will not save lives. Let us get tough on policy initiatives which will support the existence of a huge and uncontrolled black market. For heaven's sake, we cannot even keep drugs out of prisons, which are discrete buildings with walls and barbed wire and guards. How on earth are we going to stop drugs coming into Australia? Of course we have to spend some money and resources on policing and enforcement, but you cannot possibly see it as the whole response to this issue. Certainly, the "say no" campaign has been shown not to work.

It is interesting to look at the Netherlands, which has a very strong emphasis on minimising harm through separating the illicit drug markets. They have coffee shops for marijuana and cannabis products, which are totally separated from other drugs. They look at drugs with acceptable risks and drugs with unacceptable risks. They have broken them into two sections. Cannabis products are an acceptable risk and the rest are not. What is very interesting about the Netherlands is that they lost 40 people to drug overdoses in 1995. In Australia we lost 634 people. In the Netherlands the involvement of young people in hard drugs has decreased significantly since they have had this separation of the illicit drugs in place. In other words, when you separate the coffee shops with the cannabis products totally from the harder drugs and the riskier drugs, you see a decrease in the association between riskier drugs and young people. It is a success story. It is not about zero tolerance. It is a thoughtful response to the issue of drug taking.

It is dishonest to lump all drugs together. Young people will never take that message seriously, and they never have. I remember that when I was a young person they tried to do that. Anyone who was young in the 1970s knew that there were various degrees of risk associated with various drugs, and it was a nonsense to hear authorities saying that all drugs were equally bad. It is dishonest. When we get these grand statements about drugs in our society, we get task forces, we have strategies and we have big rhetoric about

money that we are going to spend, I get worried. I have worked for three years in the Social Policy Committee and at least three of our inquiries have come up with recommendations about gaps in services which, if addressed, would have a very important positive effect on drug use in our society.

We need a holistic approach to this issue. We have to have integrated programs. We must look at drugs in the context of homelessness, violence, family breakdown, truancy from schools, mental illness and the parent support programs that are in place. We have to acknowledge that the people with the least resources need the most support. We have to help teachers, psychologists, youth workers and counsellors to work together. There is a real reluctance for the professionals to work together. We have to break down barriers to get a holistic and integrated response to these issues.

I will briefly go through a couple of the recommendations that have come out of our Social Policy Committee inquiries, to show quite clearly how this work has already been done in this place. If we are to get funds from the Federal Government, we should remember that we have already recommended in this place what needs to be done. I would ask the Government to seriously reassess those recommendations, some of which they believed at the time were too resource intensive. The report on violence in schools obviously was very relevant to the issues of drugs and young people. In that report we asked for more flexible approaches for students who were not coping in mainstream schools. We asked for programs for kids on suspension. We asked for flexible behaviour management support programs for primary school students. The problems start when children are young. Early intervention is important. We have to be very careful that we do not throw this money into crisis support.

Alternative educational and life skills programs for students unable to reintegrate into mainstream schools were recommended. We were very concerned about the disadvantaged schools in our community. We need to be clear on where those schools are and how we can support them. We asked for the police to work closely with schools and for agency cooperation generally. We asked for family support and early intervention. We asked for further programs to deal with students at risk. We asked for counselling services to be better resourced.

In the mental health report we asked for better facilities for dual and multiple disabilities, which is often about substance abuse and mental illness. We asked for a comprehensive strategy to provide early intervention services to adolescents and young people at risk of, or suffering from, early onset psychosis. Very often these young people are the ones who will self-medicate with drugs. We asked for better support services. *(Extension of time granted)* We asked for a holistic approach to supporting Aboriginal and Torres Strait Islander communities. We asked for greater emphasis and improvement on the continuity of care. We also had an inquiry into the School Without Walls, which for many young people was the only anchor they had in our community and kept them on track. The issues of drug use and supporting young people came up very strongly in that inquiry. I believe that we need more than grand statements about task forces and strategies. We need to see real money put into real services. People working in the field are very clear on where the gaps in services are and have informed many committees, both local and Federal, about these issues, where we need to be putting in the work and how we will achieve intervention and prevention.

I will speak briefly to the amendments. I am supporting Mrs Carnell's amendments. I have been very disappointed in Mr Berry's response. I was very disappointed about him not turning up to the round table on safe injecting rooms. I heard him interject a minute ago, "I am not a member of the coalition". Therein lies the problem. This is not an issue which needs to be politicised to that degree. This is a very difficult issue for the community to address. If you are not going to allow us to work cooperatively on issues such as safe injecting rooms, then we are not going to make any progress and more young people are going to die. More young people are going to get hepatitis C and HIV/AIDS. In my work in the Social Policy Committee I have had close contact with a number of young people in our community who use hard drugs. I am listening to what they say. It is extremely offensive for Mr Berry to say in this very serious debate that he is not a member of the coalition.

I am prepared to support Mrs Carnell's amendments. I am also prepared to support the amendment regarding past resourcing by Federal governments. I was also concerned about that phrase that Mr Moore's amendment deletes. We must be careful not to be connected with the "zero tolerance", "tough on drugs", ill-informed line of Mr Howard's. However, I also want to make it clear that by deleting the words "deter from" we emphasise harm minimisation. Use ranges from not using at all right through to how you use drugs and which drugs you use. The risk acceptability of various drugs is also different. There is also problematic use of drugs versus non-problematic use such as you see with alcohol use. We have to look at a wide spectrum when we are looking at drug education. I hope that we see a more cooperative and less political line on this from the Labor Party in future.

MS REILLY (11.51): After listening to the press reports at the weekend, one cannot help feeling sorry for John Howard. It is really sad to see a man who has obviously failed to understand drug use in Australia, who fails to understand the complexities of the matter and who thinks the problem can be resolved with some quick fix program of throwing a bit of money at it and introducing more punitive measures. One cannot help feeling sorry for the whole of Australia being led by a man with such a narrow understanding of the very important social issue facing Australia.

It is good to see Mrs Carnell concerned about John Howard, considering that she supported his becoming Prime Minister. It is extremely difficult for Australia to be led by a man who does not understand, who fails to support young people and who thinks that just punitive and prohibition measures will address such a complex issue and an industry that I do not think appears in his industry policy but is bigger than nearly any other industry in Australia. In world terms, it is bigger than the arms trade, but we are just going to put up a few dollars against it.

Mr Howard and those who support him have not listened to the experts and practitioners in this field, who have had quite a lot to say over many months about what should be done to address drug use in the community. They have been quite vocal in saying that using such outdated methods as saying no are not going to work, but Mr Howard has ignored

those experts. He did not look at how much money has been spent in America on education programs. Billions have been spent in America since 1981, with no success. They have not changed drug use at all. In fact, in some areas of the US community, as in Australia, drug use has worsened.

Why are we continuing to use outdated methods that have been found not to work elsewhere? We say in a simplistic way that we are not going to follow America, but in this case we are. We are looking at the wrong end of the problem. Nobody is analysing why so many people are attracted to drug use. Nobody is looking at the community in which our young people are living. They are not looking at the impact on young people of some other government programs in the national sphere and the local sphere. No wonder so many young people lack optimism and hope for the future and are so concerned about whether it is worth going on living, when you consider what has happened to them. They have no jobs, and they have no prospect of getting jobs. Their access to higher education has been cut through the number of places being cut and the costs being put up. Up-front fees and the repayment of HECS make it extremely difficult to participate in higher education, but at the same time they are being told that higher education and more training are the way to go. For some of them, the education system is irrelevant. Ms Tucker referred to the School Without Walls. This school was helping some young people to stay in the education system, but you closed it down.

Some young people have no income, and the introduction of the common youth allowance will make access to income support more difficult. It does not engender any hope for the future if you have no prospect of income or you are forced to stay in family situations that may not be safe or in families that cannot support you. We tell young people to go out and get jobs that do not exist. Through this method we denigrate their efforts. In the ACT access to accommodation is extremely restricted. A number of evictions in the ACT in the last year have involved young people. Where are these young people going? Often they are going into overcrowded situations which are not safe and which are not assisting them to stay connected to the community.

We have made cuts to ACT youth programs in a whole range of ways. Money for youth centres has halved in the last three years. We have no youth health centre, even though one is to be set up. How long has that money been sitting in the Health Department's coffers waiting for someone to make a decision to get this going? This money came from the Commonwealth but we are not using it. There are very limited drug rehabilitation programs for young people, particularly those under 18. These are extremely young people who cause harm through the drugs that they take, but we have no program to support them in any way. We pretend that this is not happening, and this leads to some of the issues that people who are working in the youth sphere and begging for assistance will tell you about.

The family support programs in the ACT have also suffered through cuts. It has been suggested that the funding levels for these programs have been maintained, but there has been no analysis of what the demand is. There has been no analysis of how families are struggling with job losses in both the public sector and the private sector and how they

can support their young people and give them some optimism about the future. If we do not provide money for community services to help families, this is not going to lead to a healthy community that can address such an important issue as drug use in the ACT.

In a number of instances, we continue to condemn young people. When young people do wrong they get publicity. The response to the report on skateboards and the use of public space by young people gave no recognition to the skill and expertise of skateboard riders but said that they should be put into special areas. Their use of Garema Place was condemned. The Government took out the seats and changed the configuration. It did not look at the issues but looked superficially at the physical environment. At least within the drug culture some young people get support and acceptance they do not get in other areas of their lives. When they look in the papers and they look at the general community, their feelings of failure are only accentuated.

In supporting this motion we need to make sure that we end up with job programs that recognise the reality of the community in which we live, that are innovative and that are responsive to the reality of the Australian community today. We should not follow John Howard's line of thinking that if he introduces something that he learnt about in 1950 it will work in 1997, but we should look at who are using drugs and why they are using drugs and set up programs that support and assist those people. We should not set up programs that just give more jobs to police without benefiting the community. Obviously, enforcement has a role to play, but it is not the only way to address this very complex issue. We need a broad range of rehabilitation programs. I was pleased to see that the Chief Minister is going to look at a residential program for younger people in the ACT. If she manages to obtain sufficient money to run this program, I hope that she ensures that it is set up quickly and that the money does not sit in the Health Department for a couple of years while she thinks about it. This program, which is urgently needed, should be set up as soon as possible.

I ask for support for this motion. We cannot continue to bury our heads in the sand when we have evidence of young people, particularly young people under the age of 16, using drugs in situations that are harmful to themselves and the rest of the community. We need to support the motion Mr Berry has put up. It was silly of Mrs Carnell to try to tie Mr Berry with John Howard. The methods by which they want to handle programs are totally different. John Howard has no idea of what is happening in Australia, while Mr Berry is aware of the needs of the ACT community. *(Extension of time granted)* We need a broad range of programs. We need to leave in paragraph (4) the words "programs put in place should primarily seek to deter people, particularly young people, from taking up drugs". It is not just rehabilitation programs we need. We need to look at how young people are accepted into our community and what programs are available for them in employment, in education, in health and in housing, as well as looking at drugs. This is important. We need to make sure that the motion as put up by Mr Berry is accepted in full.

MR BERRY (Leader of the Opposition) (12.02): Mr Speaker, I want to speak to the amendments which have been moved by Mrs Carnell. Mrs Carnell, in her first amendment, seeks to include me in the same ideological grouping as John Howard in relation to drugs. What a joke! In her second amendment she tries to draw in other Federal governments as well. If the Assembly so decides, that will be the case.

I do not agree with it. The issue that we are faced with now is that John Howard has come up with some funding. He is putting back some money that he took out many times over before. This merely points to the hypocrisy of John Howard's actions in the current debate.

Let us go to Mrs Carnell's first amendment. It is ridiculous to include my name alongside John Howard's. I am not sure that John Howard would be too happy about that, but I certainly am not. I am disappointed that the Greens have decided to support Mrs Carnell's amendment without having first listened to what I have to say about the matter. It suggests that some other agenda is afoot when they do not listen to the facts on the record. Mrs Carnell referred to a press release which I issued in relation to the Labor Party's position. It is headed "Labor's push to get back to the issues that effect Canberran's everyday lives" and reads:

> ACT Labor Leader Wayne Berry today announced his Party's acceptance that there is nothing more that the ACT Legislative Assembly can do on the issues of the heroin trial and euthanasia, and the Party's intention to focus on the important issues that affect people's everyday lives.
>
> "We have to accept that there is nothing more that the ACT Assembly can do to achieve a heroin trial or the right to legislate on euthanasia. It is time to move on ...
>
> "While I am disappointed that John Howard has ripped away our right to legislate on euthanasia and to conduct a heroin trial, it is time that the ACT Assembly focused on issues that we can effect rather than those we cannot.
>
> "As a legislature, we should get back to doing what we were elected to do - governing the territory instead of being diverted by issues that we cannot change.

Mrs Carnell: What are you doing this morning?

MR BERRY: The press release continues:

> Our energy, time and resources would be better utilised in securing a better economic future for Territorians.

Mrs Carnell interjects, "What are you doing this morning?". Mrs Carnell, I am not dealing with the heroin trial. I am dealing with the drug issue in the ACT, which you have failed on. The press release further states:

> "We must rebuild our economy, we must create jobs, we must revitalise local business and we must begin constructing a better future for the Territory. This is Labor's focus - nothing less. They are the most important issues facing the ACT and it is time business in the ACT Assembly reflected that.

> "To this end, I will not be supporting Mr Moore's euthanasia bill expected to be introduced tomorrow. It is a complex change to our criminal system and will result in an expensive and lengthy High Court challenge. The fight for euthanasia must now shift to the States.
>
> "Labor will be working to redirect the attentions of the ACT Assembly onto the more important issues facing the Territory - building the economy, creating jobs, giving our children high quality education, and maintaining the quality of life that we have enjoyed in Canberra.

If you have looked at my press releases and my public statements to this point, you would certainly know that. It may be that Mrs Carnell is upset at my position in relation to the heroin trial and my pointing out that her constant focus on the heroin trial has given the public appearance that she has abandoned other matters. That is the public impression anybody would get from listening to the debate about heroin and other drug use here in the ACT.

The constant message we have heard from Mrs Carnell is that we must have a heroin trial. I have highlighted the inadequacies of the Government's approach on that in the past and I will continue to do so. It is an important issue, along with many other issues in the Territory, that has to be addressed. It has been inadequately addressed in the past. For Mrs Carnell to say that my policies should warrant my inclusion with - - -

Mrs Carnell: Are narrow and incomplete.

MR BERRY: Mrs Carnell says, "Your policies are narrow and incomplete". Our policies are very clear. Labor said that if there was support for a heroin trial nationally we would support it too. We have been very clear from the outset. Howard - Mrs Carnell's preferred Prime Minister - took away any opportunity to have a trial. Why lie in the gutter bleeding about it? It is over and done with. Nothing more can be done until the mood changes, and the mood will change, I suspect, when we get a more progressive Prime Minister.

I was critical of the way Mrs Carnell handled this, because I think she set the debate back 10 years. She behaved like a hysterical crusader on the issue and frightened the horses. She was more interested in the public brawl over the issue than she was in negotiating the matter. I said before that you handled it badly. I think you did, and I think you can take some of the responsibility for what went wrong in relation to the heroin trial. The way you managed it was appalling. Fancy not even talking to your preferred Prime Minister and getting his position clear in your head before you ended up in the final negotiations. Fancy not even having a Cabinet decision or a party room decision. I would be happy for you to say that he agreed with you in the first place and then changed his mind.

Mrs Carnell: His Minister did.

MR BERRY: The Prime Minister, I am talking about. The Prime Minister is the one who counts here. Your preferred Prime Minister has let us down. It has nothing to do with anybody else. He was the one who made the decision.

This move by the Chief Minister to include me alongside John Howard in this motion is merely spiteful and resentful of the fact that I drew attention to the failure of the Carnell Government to deal with the drug issue appropriately. It is a personal attack on me for the wrong reasons. There is no parallel between my policies on drugs and John Howard's. John Howard would never have agreed to increase the methadone program fourfold. John Howard never supported the heroin trial in the ACT. The ACT Labor Party and I in particular would support a heroin trial if there was national support. I said that there was no point in going it alone, and that was the position of many people in this place. It could not go ahead without national support, and everybody knew that. For my part, with national support, we would have supported it. It is quite wrong to try to associate my policies with those of John Howard. There are no similarities.

The difference between me and John Howard is that I pointed to the failures of the Carnell Government in dealing with the drug issues in the ACT. I think I did that appropriately in the lead-up to this point. This amendment is just a hysterical, spiteful reaction to my drawing attention to the failure of the Government to address properly the drug issues here in the ACT. If the Greens and others swallow it, it will show that they are not prepared to look at the facts and the issues which relate to the Labor Party's policy and particularly my own utterances in relation to the matter. It will show you up to be spiteful, hysterical and personal if you support this silly amendment. Mr Osborne described me as a joke. One thing that is true about my position on this is it has been consistent from the word go. We supported the heroin trial where the opportunity arose and we have continued to support progressive drug policies. That is why this motion has been moved today. I am sorry that I beat you to the punch.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (12.12), by leave: Mr Berry may like to withdraw the motion and move the one he had on the notice paper. Mr Berry said that this motion was about the failure of my Government to deal with drugs appropriately.

Mr Berry: No, he did not. You were not listening.

MRS CARNELL: That is exactly what you said, but it is not in the motion anywhere. If that is what it is about, then unfortunately Mr Berry has got the words wrong. This is very simple. With the amendments in place, this is about this Assembly attempting to take a constructive approach to the Howard paper.

We have to get back to the sensible debate on drugs that we have had before in this place. Mr Berry is taking a double-standards approach by getting stuck into Mr Moore and me in the media and everywhere else for a "say no to drugs" approach, which was the approach you were taking, Mr Berry. I do not believe that anyone in this Assembly will wear that. If this was just supposed to be a go at my Government in this area, why did he not just do it that way and not try to be clever.

MR BERRY (Leader of the Opposition): I seek leave to make a short statement to follow up.

Leave granted.

MR BERRY: Again you have misinterpreted what I said. I was drawing attention to the spiteful amendment that you have moved and to the reasons why you have moved it. You have moved this amendment because you were upset at being pilloried over poor performance on the drug issue in the ACT. I am not sorry that I did it to your Government. Your performance has been particularly bad on the heroin trial. If you want to be spiteful, personal and vindictive, you go for your life; but I urge other members not to support that view. You should not try to draw parallels between my policies and John Howard's. There is no similarity. I have never said no to drugs, but I am not opposed to people saying no to drugs.

Mrs Carnell: You have said that prohibition has worked and it is all about deterring people from using drugs.

MR BERRY: Mrs Carnell says I said that prohibition has worked. I have said in the past that prohibition has worked for overwhelming numbers of people. It does not work for everybody and you need other policies to deal with it. That is why I supported a heroin trial, if it were to happen. It has been taken away, and I say that one of the reasons for that was your poor management of it. Including me with John Howard is just a joke. If you want to make a joke out of the rest of the Assembly, support the amendments.

MR MOORE: I seek leave to speak to the amendments.

Leave granted.

MR MOORE: I would like to comment very quickly on Mr Berry's assessment of Mrs Carnell and how she dealt with the issue. It seems to me that if Mrs Carnell were to walk across Lake Burley Griffin tomorrow Wayne Berry would be out there saying, "See, she cannot swim".

Question put:

That the amendments (**Mrs Carnell's**) be agreed to.

The Assembly voted -

AYES, 11		*NOES, 6*
Mrs Carnell	Mrs Littlewood	Mr Berry
Mr Cornwell	Mr Moore	Mr Corbell
Mr Hird	Mr Osborne	Ms McRae
Ms Horodny	Mr Stefaniak	Ms Reilly
Mr Humphries	Ms Tucker	Mr Whitecross
Mr Kaine		Mr Wood

Question so resolved in the affirmative.

MR HUMPHRIES (Attorney-General) (12.21): Mr Speaker, I have circulated two amendments in the chamber. I seek leave to move them both at the same time.

Leave granted.

MR HUMPHRIES: I move:

(1) Paragraph (4), omit the words "deter people, particularly young people, from taking drugs as well as minimise the harm associated with drugs and the harmful use of drugs", substitute "minimise the harmful use of drugs as well as deter people, particularly young people, from taking drugs".

(2) Add the following proposed new paragraph (6):

"(6) supports the Territory's applications for funding from the Commonwealth's initiative for the establishment of a treatment facility for people under the age of 18 and for the conduct of alternative drug therapy programs.".

The first amendment is, in a sense, a revision of what Mr Moore was proposing before. I adopt some of the remarks made by Mr Moore on that score. It is important, in emphasising the harm minimisation approach, which most of us now realise is the essential approach that needs to be taken towards this problem, that we also need to be prepared to indicate that deterrence of people from taking up the use of drugs or continuing the use of drugs is also an important part of the strategy. Therefore, the amendment I put forward refers to both of those matters - harm minimisation as well as deterrence. It is clear that the community has come to a realisation that it is impossible to ignore the harm that drugs do and that the approach taken in other places at some distance in the past failed to examine the ways in which the impact could be minimised and was the wrong approach.

The other amendment I have moved refers to the Territory's application for funding from the Commonwealth for a treatment facility for those under the age of 18. Obviously, anybody looking at this area even cursorily realises that the real frontier, the real area of significant problem for us, is young people under the age of 18 taking up the use of drugs. Facilities and programs which focus on their needs - and Ms Reilly made reference to this in her remarks - are critically important in addressing a full range of facilities and services that will deal with this problem at the appropriate level. I would hope members would be prepared to support this without dissent. The program's importance in the ACT context is hard to overstate. If it has support, hopefully unanimous support, particularly on the floor of this Assembly, it will emphasise to the Commonwealth Government that all parties in this place support the creation of that facility. Obviously, Commonwealth support would be very useful in making that happen.

MR BERRY (Leader of the Opposition) (12.24): Mr Humphries's first amendment, which I did have before me - - -

Mr Moore: The handwritten one?

MR BERRY: The handwritten one. Essentially, it turns around the words that we used in the motion. I am indifferent to it. If it is the mood of the Assembly, I am quite happy with the amendment, though I am not sure that I am able to in the context of the amended motion, because my policies have now brought concerns from the Assembly. Maybe the motion is a bit hypocritical. If this is a policy that is worth supporting and I support it, I do not know how you can express concern, with the spiteful decision that you made earlier.

The other amendment that was moved by Mr Humphries is fine. Ms Reilly is circulating a further amendment which would tie the Government into the allocation of those funds. Ms Reilly will speak for herself, but her amendment will enhance the amendment which has been put forward by Mr Humphries. We would support the handwritten amendment proposed by Mr Humphries and we would support the typewritten amendment he has moved, which talks about support for the Territory's applications for funding from the Commonwealth initiative.

However, if the allocations to the States and Territories are done on a per capita basis without any other formula, then there is some difficulty, because it will not amount to much. There is not a terrible lot of money when you look at the difficulties being faced interstate. It may well require more funds from the ACT Government. I do not step back from my promise to pursue the Government to ensure that adequate funding is made available for these issues. So far the Government's emphasis on dealing with the drug problem in the ACT has been misdirected and is at the base of some of our problems.

MR SPEAKER: As Ms Reilly has foreshadowed an amendment to the second of Mr Humphries's amendments, is it the wish of the Assembly that we divide this question? In other words, is it the wish that we put the amendment to paragraph (4) and then put the amendment to add a paragraph (6)? There being no objection, that course will be followed.

MR MOORE (12.28): Mr Speaker, I rise to speak to Mr Humphries's amendment to paragraph (4) - the handwritten one - just to say that, yes, it does use the same words as Mr Berry has used, and I think both issues are important. It is a very important question of priority, and the fundamental priority is, first of all, that we go for harm minimisation. That is the prime priority in this approach to illicit drugs. It is a much better amendment than what I have foreshadowed but will not put up, in that it does recognise the important aim - Mr Berry and I had discussions on this yesterday - of deterring young people from using drugs in the same way as we deterred them from using alcohol and tobacco.

MR SPEAKER: The question is: That Mr Humphries's amendment to paragraph (4) be agreed to.

Amendment agreed to.

MR SPEAKER: The question now is: That Mr Humphries's amendment to add paragraph (6) be agreed to. Ms Reilly, would you like to move your amendment?

MS REILLY (12.29): I move:

> Add the words "and that the ACT Government allocate these funds to an appropriate provider of such a facility within 3 months of Commonwealth approval for funding for a treatment facility; and within 6 months to alternate drug therapy program providers".

I fully support Mr Humphries's new paragraph (6); I have no objection to it. But one of my concerns is with the failure of this Government to spend money in a timely way. I want to ensure that this money, if it is allocated by the Commonwealth, results in services being set up as soon as possible. Obviously, there are some procedures that we have to go through; but we do not want to waste time by having the money sitting around for a couple of years while everybody thinks about it, we do 10 more studies and then maybe we get around to it at just the last minute before an election. I am hopeful, of course, that the Chief Minister will be able to screw sufficient funds to get a decent service for the ACT. Let us hope that the Commonwealth is generous to the ACT in this instance. But, that aside, timeliness is the reason behind my amendment.

If you look at some of the recommendations of the social policy inquiries of this Assembly you will see a number of gaps in services in the ACT, particularly for young people. In some instances the gaps are massive or the services actually are non-existent. This request for funds will go part of the way towards addressing that, and that is why I support it. But there is no point in having money if we do not spend it. If we look at services that are available, the gaps in services are particularly apparent for people under the age of 18. At this stage, in a number of areas in the ACT, the worst age you can be is between 12 and 18 because there is not very much for you. If we get this residential service and add innovative drug programs, we will address that, and this is important. But we need to guard against the Government holding onto these dollars for so long that young people continue to suffer problems through illicit drug use and to live in circumstances that are unsafe.

The other problem, of course, is that if we hold onto these dollars for too long we will, in fact, lose them back to the Commonwealth or lose them to a State, as happened to some of the moneys that were available in relation to youth suicide. Because we did not have a strategy set up in the ACT, those moneys were not allocated to the ACT but were reallocated to other States and Territories. The matter of drug use in the ACT is too serious for us to sit on our hands and not do something as quickly as possible to set up such services as Mr Humphries sets out in his amendment.

It is important that we have a time factor in this as well. We need to get the money - and I am sure Mrs Carnell will fight hard for it - but we also need to set up services as quickly as possible. We do not need to wait two years, as we did with the new youth health service. We need to do it within three months of getting the allocation so that we can assist young people in the way that assistance is needed. I look for support for this amendment.

MR MOORE (12.32): I support the sentiment in what Ms Reilly is saying. Unfortunately, this amendment is impractical in terms of the Assembly. Had it been to legislation it would have been entirely appropriate, but this Assembly's instructions apply only to the Government for the current sitting. The way the timing works is that this would not have any application after the election and, as such, would be redundant. That is why I want Mr Humphries's amendment put in.

Motion (by **Mr Corbell**) negatived:

> That the debate be adjourned to a later hour this day.

MR SPEAKER: The question now is: That Ms Reilly's amendment to Mr Humphries's amendment to add paragraph (6) be agreed to.

MR BERRY (Leader of the Opposition) (12.33): Mr Speaker, I noticed the Chief Minister complaining about the amendment moved by Ms Reilly, which, of course, goes to the issue of forcing the Government - - -

Mr Moore: The Chief Minister has not said a word on it.

MR BERRY: I saw her interjecting. I am a little closer than you. Quite clearly - - -

Mr Humphries: It is all about Kate Carnell, is it not? Nothing else but Kate Carnell.

MR BERRY: This is about an amendment which will require the Government - - -

MR SPEAKER: Are you speaking to the amendment, Mr Berry?

MR BERRY: When I get a bit of clear airspace, Mr Speaker, yes. The amendment will require the Government to allocate the funding within a prescribed time. That is very important in the scheme of things because there are people out there waiting for resources to ensure that adequate treatment and care are provided to those in the community having difficulties with drugs. Ms Reilly put it forward in the context of the amendment which was moved by Mr Humphries, which went to the issue of supporting applications for funding from the Commonwealth's initiative for the establishment of a treatment facility for people under the age of 18 and for the conduct of alternative drug therapy programs. It is fine for the Assembly to support those sorts of applications, but it would be wrong to give the Government carte blanche to sit on the money for a significant period of time and for the treatment facilities not to be provided while the Government shillyshallies about the issue.

What I am saying is that this is a very important amendment and deserves the support of the Government and the crossbenches in order that any funding which is secured by way of supported applications finds its way into the right hands at the earliest possible moment. Mr Speaker, in that way the amendment moved by Mr Humphries would be complete and deserving of the support of the entire Assembly.

MR SPEAKER: The question is: That Ms Reilly's amendment to Mr Humphries's proposed amendment to add paragraph (6) be agreed to.

The Assembly voted -

AYES, 8	*NOES, 9*
Mr Berry	Mrs Carnell
Mr Corbell	Mr Cornwell
Ms Horodny	Mr Hird
Ms McRae	Mr Humphries
Ms Reilly	Mr Kaine
Ms Tucker	Mrs Littlewood
Mr Whitecross	Mr Moore
Mr Wood	Mr Osborne
	Mr Stefaniak

Question so resolved in the negative.

MR SPEAKER: The question now is: That Mr Humphries's proposed amendment to add paragraph (6) be agreed to.

Question resolved in the affirmative.

MR SPEAKER: The question now is: That the motion, as amended, be agreed to.

MR BERRY (Leader of the Opposition) (12.40): Mr Speaker, I am pleased that members have supported the general principle of the motion I put forward this morning. It was put forward for good reason. It was timely to put it forward in the context of the moves by John Howard and the inadequate performance of the Liberal Government in the Australian Capital Territory in relation to the provision of services for people who are having difficulties with drugs. In the first paragraph, the motion notes with concern the new drug policy initiatives outlined by the Prime Minister and me. May I report to the Assembly that I have no new drug policies - - -

Mrs Carnell: That is why they are incomplete. You have no policies, so it is all right.

MR BERRY: I have no new drug policies. I have the same ones, that is, I would have supported a heroin trial and will still support one when the time comes, if it ever comes. I am still very concerned about the way that the matter of a heroin trial in the ACT has been handled by the Liberal Government opposite. I think they have set back the debate by many years. My only policies in relation to these matters are reflected in the motion, in my public utterances of the past, and in my actions when I have been in a position to have my hands on the levers. In those cases I have performed as - - -

Mrs Carnell: Doubled the waiting lists; blown out the health budget every year.

MR BERRY: I notice that during the debate Mrs Carnell made a great point about the ACT spending more than any State on rehabilitation and other services for drug and alcohol issues. Mrs Carnell, we also spend more than any State, on average, on the running of our hospitals; but that does not make them better. We spend, on average, $600 more per patient than any other place in Australia, but that does not make them any better. Mrs Carnell puts forward this silly notion that, if you pay more, the services are better. The fact of the matter is that, under the Liberals opposite, there has been a savage increase in injecting drug use in the ACT, on the records that I have seen, and they have to take responsibility for that because they did not address the issue as they should have.

My policies remain the same. I remain critical of you on that score because you have performed badly. As I have said before in this debate, Labor's performance is unparalleled when it comes to the issue of providing services for people who are having problems with drugs. Let us not forget who broke the ice on methadone programs in the ACT by a massive four times. Nobody is likely to match that performance in the future. The motion makes no sense when it talks about the new policies of the Leader of the Opposition. There are not any. The old ones are quite good, thank you. They are about a progressive approach to dealing with the drug problem, a broad-based approach to dealing with the drug problem, not a public relations focused one, not one about crusades, and not one about self-interest. They are about looking after the interests of people out there who are suffering from the problems of drugs in our community.

I know that you are stinging because Labor has brought forward this sensible motion to deal with issues that face the ACT community. I know that you are sensitive because Labor has said that it is not going to waste any time trying to advance issues which we cannot advance in the ACT because of the Federal Government's decisions - your preferred Prime Minister's decisions. Our policies were spot on, and I think that is what irked you most. The spiteful and vindictive approach that you have taken today does not do you any credit. But, at the end of the day, we have a motion moved by Labor and supported generally by this Assembly which will carry us forward on the issue of dealing with the drug problem in the ACT. Mrs Carnell fails to note that it was an initiative of the Labor Party that brought forward this motion today, and I think that irks them as well. It is a sensible motion. It puts a sensible thrust into dealing with the drug problems which face the ACT. Now that the motion will be passed by the Assembly, I trust that the Government will do something, rather than sit on its hands and adopt the misdirected course that it has adopted in the past.

Question resolved in the affirmative.

Sitting suspended from 12.46 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospitals - Parent Accommodation Charge

MR BERRY: My question is directed to the Health Minister, Mrs Carnell. Today's edition of the *Canberra Times* and last evening's news contained reports of a Mr Glenn Wickham complaining about being charged for being in a room at the hospital with his child during the course of an illness. Mrs Carnell, when you were asked about the charges levied on parents staying with their children in hospital you said, "It is a management decision and certainly not one that is a fee or charge set by government". What have you done to remove the charge?

MRS CARNELL: I cannot help but laugh, Mr Speaker. I have to say that I agree that this charge is a tiny bit rich, when parents are sitting beside the bed of a sick child and looking after that child. So, on that basis, I have put in place mechanisms to remove the charge. I did not think it was terribly fair for parents who were helping our hospital system to look after their children. So, thank you, Mr Berry; the charge is now removed.

MR BERRY: Mr Speaker, I seek leave to table a determination of fees and charges which demonstrates that the Chief Minister herself gazetted this charge.

Leave granted.

MR BERRY: I ask the Chief Minister: In the light of her statement that it is a management decision and certainly not one that is a fee or charge set by government, will the Chief Minister now apologise to the Canberra community for misleading it? Will the Chief Minister now apologise to the Wickhams for misleading them as well?

MRS CARNELL: Poor old Mr Berry; he cannot help himself. Mr Speaker, all of the fees and charges at the hospital are gazetted and signed by the Minister.

Mr Berry: Not yesterday, they were not.

MRS CARNELL: There is a big difference here. The fees for - - -

Mr Berry: There is a big difference here between yesterday and today.

MRS CARNELL: He just cannot believe that we actually act on things quickly when things are unfair. Mr Speaker, all fees and charges, including such things as the daily rate for private patients, that the management at the hospital sets are gazetted.

Mr Berry: Mr Speaker, I think that Mrs Carnell may have missed my quote.

MR SPEAKER: I do not think she has, Mr Berry. I think she is answering it.

Mr Berry: She said yesterday, "It is a management decision and certainly not one that is a fee or charge set by government". What a big one!

MR SPEAKER: Please sit down.

MRS CARNELL: Mr Speaker, those fees and charges are not set by government at all. The management of the hospital sets those fees, Mr Speaker. But I agree that this particular one is not fair.

Mr Whitecross: "I, Kate Carnell, make the following determination".

MRS CARNELL: Mr Berry, was it charged when you were - - -

Mr Whitecross: Mr Humphries is hiding behind his papers. He is too embarrassed.

Mr Humphries: I have better things to do than listen to your drivel.

MR SPEAKER: Please be quiet. I would just remind people at the beginning of this question time that, if it is rowdy, some members may find themselves having some spare time this afternoon.

MRS CARNELL: I wonder whether Mr Berry is aware that it was charged when he was Health Minister.

Mr Berry: Yes; $3 for a bedroom.

MR SPEAKER: Mr Berry, be careful. I meant what I said.

Mr Whitecross: On a point of order, Mr Speaker: If Mrs Carnell is going to ask Mr Berry questions across the chamber, she has to expect to have them answered. If you do not want him to answer the questions, you should encourage Mrs Carnell not to ask them.

MR SPEAKER: I would remind Government members not to be provocative; but I would also remind Opposition members not to interject constantly.

MRS CARNELL: Mr Speaker, this is a fee, or charge, that was inherited by this Government. As I am informed, it is a charge that is made at other hospitals around Australia. But I agree totally that it is pretty unfair to charge a parent who sits beside the bed of their child a fee for a fold-out bed. So, Mr Speaker, what did I do? I acted on it. It is already not there anymore, Mr Speaker.

ACTION Services - Gungahlin

MR HIRD: Mr Speaker, my question is to the Minister for Urban Services, Mr Kaine. Minister, it is my understanding that the Labor Party has been stirring the pot, spreading uncertainties about the issue of bus services to the new, developing area of Gungahlin and causing unnecessary concern to residents. In the light of the Opposition's typical negativity, can you say what is the true situation regarding ACTION's plans to improve the bus service to Gungahlin?

Ms McRae: Mr Speaker, is this an announcement of Government policy? I seek your guidance. It sounds very much like an announcement of Government policy about bus services intended for Gungahlin.

MR SPEAKER: You are not about to announce Executive policy, are you, Mr Kaine?

MR KAINE: I am not going to address Government policy, Mr Speaker.

MR SPEAKER: You cannot announce Executive policy, but questions may seek an explanation regarding the policy of the Executive and its application.

MR KAINE: Mr Speaker, I am delighted to answer the question that Mr Hird has put to me, particularly since the person within the Labor Party who has been doing the most pot stirring is one who came to me in my office with a delegation from the Gungahlin Community Council. I gave them certain commitments. One was that I would respond to their questions and that I would advise that member accordingly, and I did that. The members of the Gungahlin Community Council were quite happy with the response that they received from me and the undertakings that I gave; but, of course, the member of the Opposition is not happy. He obviously has a totally different agenda from that of the community that he claims to represent.

Mr Corbell: Are you prepared to name him?

MR SPEAKER: Mr Corbell, you will not be here to hear your name being mentioned if you keep up those constant interjections.

MR KAINE: I did not mention any names, Mr Speaker; but I can see who is very sensitive about the issue. He obviously has an agenda that is not in accord with that of the constituents that he pretends to represent, because they are very happy with what we are doing out there.

Mr Corbell: On a point of order, Mr Speaker: The Minister suggested that I pretended to represent constituents. I suggest that that is imputing an improper motive and he should withdraw it. I do not pretend at all, Mr Speaker.

MR KAINE: Mr Speaker, I mentioned nobody by name.

MR SPEAKER: No name was mentioned, Mr Corbell. You have been very rowdy, I must admit.

Mr Corbell: On a point of order, Mr Speaker: It was very clear in the exchanges across the chamber whom the Minister was referring to. He suggested that I pretend to represent my constituency, and I do not. I would invite you, Mr Speaker, to reflect again on your ruling and invite the Minister to withdraw. It is imputing an improper motive.

MR SPEAKER: I do not accept the point of order at all. The Minister has not mentioned any member by name. If individuals here like to assume that they are being addressed, I am afraid that that is their problem.

MR KAINE: I presume, Mr Speaker, that it simply demonstrates that some people are a little bit precious and a little bit sensitive to criticism. I was careful not to mention anybody by name, and I am sure that Mr Wood does not mind at all my talking about him in this fashion.

The fact is, Mr Speaker, that there are two threads that are coming together in connection with upgrading the ACTION bus services in Gungahlin. The first is that I was approached by a delegation from the Gungahlin Community Council. They put to me some propositions that certain things needed to be attended to. They are being attended to as a matter of urgency. The matters that they put to me were referred to ACTION for action by the management. The other thing that is happening is the overall restructuring of ACTION as a consequence of the Graham report. That is proceeding apace. That has to do with redesigning the network, redesigning the fare structure, making the bus system more user friendly by providing at bus stops information about where buses go, and a whole range of other things that flow from the recommendations of the Graham report.

In all of that, Gungahlin is being treated equally with the rest of Canberra. So, I think it can honestly be said that ACTION is, first of all, addressing the questions that were put to me by representatives of the Gungahlin community and, secondly, addressing the broader questions that were raised as a result of the Graham report. One of the specific things that the community group asked me to deal with was making available a more direct access to Civic. That is being looked at right now as to how that can be done. There will be a fairly rapid response to that. So, when certain people are out there stirring the pot, as Mr Hird put it, first of all they need to be certain of their facts, because they may well be in danger of misrepresenting the situation to the community. Of course, that sort of thing backfires on them, and there is an election not far away.

MR HIRD: Mr Speaker, I have a supplementary question. Minister, I understand that, at lunchtime, you launched the Travel Smart campaign, designed to encourage more people to use public transport. Can you indicate how this campaign will make ACTION services to town centres like Gungahlin, Tuggeranong and Belconnen more attractive?

MR KAINE: Thank you, Mr Hird. What I did today was launch Canberra's part in the National Travel Smart Day. It is not just a Canberra day; it is a national day, the purpose of which is to emphasise to the community the value of their public transport system and to encourage people to use it. Our contribution to this today was to launch the ACT's Take ACTION to Save campaign, which is very much a part of the national scheme.

The idea behind that is to encourage people to get out of their cars and get into buses - something that some of us have been trying to achieve for a considerable number of years, with changing success from year to year. The emphasis in this campaign is on demonstrating to people that it is actually cheaper for them to take the bus to work than to get into their car, drive to work and then park it somewhere all day. We have statistics from the NRMA, which are contained in a brochure that is part of the campaign, to explain to people just how much they can save in an average week if they take the bus rather than drive their car.

There are several elements to the program. One is a number of advertisements that are on the back of buses, because that is the bit that most drivers look at when they are driving down the road. It is the back of the bus they see. There are some advertisements there encouraging them to get out of their cars and take the bus. We have the brochure which I mentioned, which will be circulated far and wide by ACTION. Finally, involved in this program are a number of local people who actually take the bus frequently and who have been prepared to come forward and say publicly that they do so and outline the advantages for them in doing so. I think that is a great initiative and I commend those people for being willing to participate.

The total objective, of course, is not only for people to save money by taking the bus. Getting people out of their cars and into the bus cuts down the cost to government of creating road infrastructure and maintaining it; cuts down the impact that the private automobile has on our environment and on the ecology; and generally produces a road transport system that is more efficient and meets the needs of the people who use it. At the end of the day, that is to the benefit of everybody in this community. That was the purpose of the launch today, Mr Hird.

National Competition Policy - Gas Market Reform

MR WHITECROSS: Mr Speaker, my question without notice is to the Chief Minister. Chief Minister, you were reported in the *Canberra Times* today as saying:

> The gas-reform deal must be signed by me on Friday at COAG.

Chief Minister, given that this matter is obviously regarded as a priority by you and your Government, can you inform the Assembly what is in the agreement; can you tell us what impact the agreement will have on the Territory; and, finally, can you explain why, if this agreement is so important, you have not made a ministerial statement in relation to it?

MRS CARNELL: Mr Speaker, I am surprised that Mr Whitecross and those opposite are not aware of the gas reform deal, because the first stage of it was signed by Ms Follett - - -

Mr Whitecross: I want to know what you are signing on Friday, not what Ms Follett signed.

MRS CARNELL: Mr Speaker, all I am signing is the second stage of what Ms Follett signed as a first stage. Basically, the next stage of the gas reform approach does allow joint access to gas lines. So, it means that different people can draw gas from particular gas lines. It does allow competition between States. It precludes individual companies from having monopolies in any particular area, as AGL probably did in the past in the ACT and in other places as well. Basically, it is the next step in freeing up the gas market to allow other companies to use pipelines - that means infrastructure - and to be able to sell gas into both the commercial market and the retail market, which, of course, as has been the case in the electricity area, means that gas prices will potentially go down. It certainly has meant that with regard to electricity, to the extent that we are up to at the moment.

Ms Follett signed the first stage of gas reform. I think it was probably in 1994, but I could be wrong on that, Mr Speaker. I think that was when the first stage of that particular part of the competition policy was signed. The reason I am saying that this next part is important is that we do have a letter - I actually do not have it with me, but I could table it if members of the Assembly were interested - from the NCC, making it extremely clear that governments that are not in a position to sign the next stage of the gas reform agreements on Friday will lose not just some, but all, of the next tranche of the competition payments. I think that letter goes on to say "and all future payments until the document is signed".

The reason it needs to be signed on Friday - the free market on gas does not come in until 1 July next year - is that there are a number of things that have to be done in the meantime, from the time that the States sign off. Not at the initial sign-off - Ms Follett did that - but at the next stage, model legislation and a number of other things need to be put in place before the actual market can be in place on 1 July next year. So, Mr Speaker, the NCC and actually the Federal Treasurer as well have made it clear that, for the States to receive the second tranche payments, this document will need to be signed by Friday, as there will not be another COAG meeting held in the timeframe required to achieve the 1 July date.

The next tranche of payments, from memory, is something more than $6m, Mr Speaker. I have to say that I think $6m, or more than $6m, is a lot of money. It certainly buys an awful lot of patients in our hospitals; it buys an awful lot of services for kids in schools; it buys an awful lot of community services, police, or whatever. It is not a payment that I would be willing to allow to go easily, Mr Speaker. As Rosemary Follett signed the first lot of these agreements in the gas area, I assumed that those opposite would have been totally well briefed.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Chief Minister, perhaps you would like to answer the last part of my question, which was: Why, if this is so important, have you never made a ministerial statement in relation to it? Chief Minister, in your answer you indicated that the amount involved is now $6m. In the article in today's *Canberra Times* you indicated that the amount was $100m.

On the radio yesterday you indicated that the amount involved was $184m. Can you explain which of these numbers is right, and why, and how it works? What does your signing of a gas agreement on Friday have to do with the passage of the water supply and electricity Bills currently before the Assembly? Chief Minister, is it not the case that your conduct over the past 24 hours has simply been a scare campaign to push through your legislation?

MRS CARNELL: I do not know where you start with a supplementary question that, I think, at last count, had five parts, Mr Speaker.

Mr Whitecross: Tell the truth. That would make a change.

MR SPEAKER: Give her a chance and she will, I have no doubt.

Mr Humphries: Mr Speaker, I rise on a point of order. Mr Whitecross was heard to remark, "Start with the truth for a change", or words to that effect. Mr Whitecross knows what the rules are. I would ask him to withdraw that remark.

MR SPEAKER: Yes; withdraw it, Mr Whitecross.

Mr Whitecross: Mr Speaker, I am amazed that the Manager of Government Business thinks that encouraging Ministers to tell the truth is unparliamentary; but I withdraw the suggestion that Mrs Carnell, at any time in the past, may not have told the truth. I will let the facts speak for themselves, Mr Speaker.

MR SPEAKER: Let the Chief Minister get on with her answer.

MRS CARNELL: Mr Speaker, as I just said quite definitely, it is amazing that those opposite, taking into account that they were involved in most of the national competition policy agreements - I think, as I said yesterday, Rosemary Follett signed something like 11 of them, to my three - are not aware of how the competition payments work over the period of time.

Mr Corbell: We are about to see whether you know.

MRS CARNELL: I always do.

MR SPEAKER: I warn Mr Corbell.

Ms McRae: Mr Speaker, on a point of order: You are regularly chiding us for interjections. The reason for the interjections, Mr Speaker, is that you are not upholding the rules of relevance or the rules of answering a question. If the Chief Minister chose to answer a question, you may find that other people would follow other rules.

MR SPEAKER: The Chief Minister is attempting to answer a question under a stream of interjections. Continue, Chief Minister. Mr Corbell, you remain warned.

MRS CARNELL: Mr Speaker, I think I answered the last question, and the one before, exactly. But the problem really is that those opposite do not like the answer. That is the bottom line here. Mr Speaker, as I just said, I would have thought that those opposite would have known the answers to the questions that they have asked, simply because they were the ones that were involved in most of the negotiations and the agreements that have been in place with regard to gas, electricity and, of course, water.

Mr Speaker, again, my very efficient staff have managed to get for us the letter from the National Competition Council with regard to the gas agreement, as part of the intergovernmental agreements signed in 1995 and so on, which makes it very clear that - - -

Mr Berry: Would you like to table it?

MR SPEAKER: Are you tabling that?

MRS CARNELL: I am very happy to. Mr Speaker, with regard to part two, I think, of Mr Whitecross's comments, as to why I have not made a ministerial statement on the gas reform, I mentioned it yesterday in my ministerial statement on what was on at COAG this week. I made it very clear on the floor of this house yesterday, Mr Speaker. So much for that approach!

Mr Speaker, there is nothing in the gas reform package now that was not in the whole package right from the beginning. There are a number of documents that are on the public record - I say this for those opposite who have not been able to ascertain it or who were not briefed by Ms Follett or whoever was dealing with it in the past - that outline quite definitely when agreements were signed and what we are all aiming at achieving as a result of national competition policy and, of course, as a result of the Hilmer report and so on. All of these documents actually say exactly what was in each of the documents that were involved, Mr Speaker.

Mr Speaker, in the past, in the reports that I have given to the Assembly after COAG meetings, I have also run through the issues that were raised and with regard to gas as well. Such things as uniform national standards have very definitely been discussed - not just in this place, but certainly on the public record, Mr Speaker. What was the next bit - - -

MR SPEAKER: The $6m, $100m and $184m.

MRS CARNELL: Yes, how much is left. Mr Speaker, the amount of money that is still owing to the ACT is over $100m. We have had our first one or two payments for the first tranche of payments. The second tranche is another $6.3m or $6.6m over the period of nine years of the payments. We have over $100m still owing. So, if the ACT did not conform to national competition policy, that is exactly how much money we could lose. But in the next tranche it is $6.6m. So, it is actually quite simple - Mr Whitecross has not bothered to actually even look at this issue - and it is an important issue; but it is an issue that has been on the agenda since 1992, Mr Speaker, and one that has had significant consultation in that time.

National Competition Policy - Water and Electricity Market Reform

MS TUCKER: Mr Speaker, my question is to the Chief Minister. Mrs Carnell, can you inform the Assembly what opportunity the Government gave the community forum on competition policy to have input into the development of, or to comment on, the legislation which the Assembly is due to debate this week on competition reforms in water and electricity? If they were involved, can you please indicate how they were involved and what comments were made, and detail how the Government facilitated their involvement; that is, with documentation, copies of the draft legislation or whatever?

MRS CARNELL: Mr Speaker, with regard to the legislation that is on the table this week - which actually is Mr Kaine's legislation, not my legislation; so Mr Kaine may like to - - -

Ms Tucker: I thought you were answering questions on competition policy.

MRS CARNELL: Mr Kaine may like to add something to this. Mr Speaker, the legislation that is on the table this week is model legislation - legislation that is being passed around Australia. One of the pieces of legislation is with regard to having our own pricing commissioner. As you know, in the past, we have used the New South Wales commissioner. As it has been set up to date, that can deal only with ACTEW pricing and, as we know, as a result of the national grid, other companies will inevitably be in the ACT, and that particular piece of legislation will go somewhat broader.

Mr Berry: Mr Speaker, on a point of order: I would have liked to see the Chief Minister attempt to answer the question and tell us how she facilitated the forum considering these issues, which was the guts of the question that Ms Tucker asked.

MRS CARNELL: That is what I am getting to.

Mr Berry: How about trying to answer it and let us know? I am interested in what facilitation efforts the Government put into having the forum consider the issue.

MR SPEAKER: There is no point of order. Continue, Chief Minister.

MRS CARNELL: Thank you very much, Mr Speaker. I thought it was important to outline what the legislation was about and how that then fitted with the terms of reference of the forum, because obviously the forum would not look at something that was not within its actual terms of reference. Mr Speaker, I might be wrong; but, on my understanding, the forum was to look at the impact on the community of national competition policy, to look at how national competition policy and the sorts of things that were put in place affected the community, and to give feedback to government on those sorts of things. Mr Speaker, it was not my view that the forum's job was to determine whether we should have a national competition policy or whether the agreements - that have been entered into predominantly by Ms Follett but now by my Government - should or should not go ahead. The fact is that we have, or Ms Follett had, already committed the ACT to a particular path.

As I said in relation to the legislation that is on the table, to my knowledge - and, if I am wrong, I will certainly correct this - the independent pricing commissioner is very much part of the whole package and something that I understood this Assembly totally supported. The other legislation is model legislation, which is part of the agreements. I am not sure whether the forum has had a look at these pieces of legislation; but its actual role, as I understand it, is not to determine whether legislation is good or bad legislation. We did not actually appoint them for that purpose; we appointed them to keep an eye on, or to overview, the impact on the community of the legislation and to ensure that that impact is not adverse to the community generally.

MS TUCKER: I have a supplementary question, Mr Speaker. The last term of reference actually does. So, you are correct that it is about looking at the impact on the community; but it is also to monitor any other matter related to the competition principles agreement or the competition code, as the forum sees fit. My first question stands: Did you facilitate in any way an opportunity for this group to look at the legislation - albeit model legislation - and to make comment on that legislation?

MRS CARNELL: Again, I am not sure what is on the agenda for this committee. The question I would have to throw back is: Did the forum ask? I am not sure.

Ms Tucker: I am asking: Did you facilitate it?

MRS CARNELL: I am simply not aware of what the forum has asked to have a look at. As I would understand it from those terms of reference - as they saw fit - if they had wanted to have a look at the legislation, potentially it would have been available. It was put on the table in September; so, there has been a fair amount of time for it. I will find out whether they have had a look or they have not had a look, and whether they have asked or they have not asked. If they have not asked, they have certainly had over a month if they had chosen to do so.

Southside Youth Refuge

MR OSBORNE: My question is to the Minister for Children's and Youth Services, Mr Stefaniak. Minister, yesterday in this place I asked you to say when you became aware of the recent problems with the Southside Youth Refuge, where the police are investigating an alleged misappropriation of funds. You said yesterday, from memory, that you had read a detailed briefing paper early in October; that you were uncertain about the exact date; but that you could find out. Minister, you have had 24 hours to find out. So, I ask again: When, and how, did you become aware of the problem?

MR STEFANIAK: Mr Osborne, I have done a check, as I told you I would. In terms of reading any papers, that was on 9 October; and, in terms of being made aware verbally, to the best of my recollection I think it was on either Monday or Tuesday, 22 or 23 September.

MR OSBORNE: I will say it very slowly, Minister: Are you sure?

MR STEFANIAK: In terms of the written one, yes, Mr Osborne, I am sure. In terms of the other dates, it was a very short verbal communication, and I could not be absolutely certain in relation to that. But the written one was definitely on 9 October.

Lake Tuggeranong - Proposed Resort

MR WOOD: My question is to the Minister for Planning. I refer him to an idea that has been floated to develop a five-star resort on what is defined as urban open space - that is, parkland - on the northern shores of Lake Tuggeranong. My questions are: Firstly, are you aware of this idea; secondly, as Minister for Planning and the Environment, will you assure Canberrans that you will protect such valued parkland; and, thirdly, will you also counsel the proponent, if he develops his idea, to base it on the use of rather similar lakefront land at the southern end of the lake but within the commercial area of the town centre, where he could build it?

MR HUMPHRIES: Mr Speaker, I thank Mr Wood for that question. I am aware of the proposal that he refers to. I think it is the same proposal. I have had one meeting with the proponent, where he has put the idea before me. My advice to him on that occasion was that he should immediately begin an informal process of consultation with the community of Tuggeranong to assess where his proposal might go. I have been in this job long enough to realise that the formal processes outlined in the Land Act, unfortunately, are not sufficient to address all the concerns that might be raised and that it is unwise to follow the letter of the law in those circumstances. So, my advice to him was to go and talk to members of the Tuggeranong community.

I have not had a further meeting with him or a report back about his progress with that; but I understand from other sources that he has met with the Tuggeranong Community Council and briefed them on the nature of his proposal. I understand that that proposal was well received by the Tuggeranong Community Council.

Mrs Littlewood: Well received.

MR HUMPHRIES: One of the members for Brindabella behind me indicates that that was the case. So, I think the gentleman concerned is advancing his case in appropriate types of forums.

I am asked whether I will protect the area marked for urban open space on the northern shores of Lake Tuggeranong. I will certainly protect that area while it remains appropriately protected under the Land Act and under the Territory Plan. However, as with any matter affecting the Territory Plan, it is capable of being proposed for variation. If a compelling case seems to be made out for considering a variation to the plan to allow a development of that kind to occur, then I am perfectly prepared to entertain that idea.

I think it is incumbent on members of the Assembly not to pretend to the public that plans cannot be varied. Indeed, I understand that Ms McRae went to a public meeting last Saturday, where she proposed that the plan should be varied to accommodate the changing of a certain area of Latham from space reserved for urban consolidation to parkland. Obviously, all of us are interested in change to the Territory Plan at one time or another, in one way or another. So, it is foolish and silly to get up and say, "We must defend what is in the Territory Plan, right or wrong. Minister, you must always protect the letter of the Territory Plan". We know that that is not the case.

As to whether there is a possibility of using land on the southern shores of Lake Tuggeranong, I am not personally aware of what land might be available there for that purpose. If Mr Wood believes that there is land there for that purpose, I will have my department investigate that and bring that alternative to the notice of the person that I have referred to. If he wishes to pursue that option instead, that would be great. If, however, he wishes to pursue another option, I am prepared to consider that. That does not imply that I support the proposal. That does not imply that there is any likelihood of its succeeding. It is urban open space, which naturally is sensitive; but I will consider such ideas, since members of Mr Wood's own party would insist in other circumstances that I do so.

MR WOOD: I have a supplementary question, Mr Speaker. I think Mr Humphries's comparison is not valid, since it supposes that we will convert proposed residential land to parkland - a very different proposition. However, Minister, the Territory Plan says:

> The urban open space system in Canberra has helped give the city its image as the garden city capital of Australia. The system enhances the scenic setting of Canberra and provides an attractive environment for people's recreational activity and enjoyment ... it enables protection of natural and cultural features ...

Do you regard these as important? I ask again: Would you seek to protect such features?

MR HUMPHRIES: Of course, I consider - - -

Mr Moore: Tell them the process for varying the Territory Plan.

MR SPEAKER: Order!

MR HUMPHRIES: Indeed. Of course, I value such land and I believe that it should be protected; obviously, I do. But, if you are asking me whether I believe that every bit of land which at the moment is zoned in a particular way - let us say as urban open space - should not be zoned in any other way, then I would say to you that that is a rather foolish benchmark to set. You took exception to my quoting Ms McRae's example. I will give you another example, also from your party. Another of your colleagues - Ms Reilly - has approached me about exchanging a piece of urban open space for a piece of land designated for housing. She has suggested, as I understand the idea, that we actually turn urban open space into housing.

Mr Wood: A different proposition.

MR HUMPHRIES: In principle, it is no different. It is exactly the same thing. If you are saying to me that every bit of urban open space as it now stands is valuable and must be protected, then you had better go and tell Ms Reilly to forget about her plan to build on some urban open space that is, at the moment, reserved for parkland. If that is what you believe, you should say that. Mr Wood, you have been over in this seat as well. You know perfectly well that that kind of rigidity is not what is expected.

Mr Wood: I know how the people protect their parkland, Mr Humphries.

MR HUMPHRIES: You know perfectly well that it is not expected. I have no doubt that in the past you have probably approved, or considered, applications for conversion of that land to that kind of purpose as well. If we go back and look at the files, we will probably find that you did. I think we have to be flexible about it. Let us not panic because someone says, "Let us use a bit of space for something different". Let us not all run to the barricades and say, "No, no, no; we must not permit any change". We are going to have a sensible debate about an evolving use of land in the Territory only if we do not react in that way but think sensibly and talk sensibly about these proposals. I am prepared to do that. I do not want to rush to conclusions about things before I have heard the argument, talked about it and thought about it at some length. Let us all behave in that way, and we will be able to deal with these issues more sensibly.

Major Project Announcements

MRS LITTLEWOOD: Mr Speaker, my question is to the Chief Minister. I suspect that Mr Wood might be interested in the answer, because it has to do with people's jobs. In recent weeks there have been numerous announcements of major projects going ahead in the ACT. Can the Chief Minister inform members as to the level of investment involved in these projects, what they indicate about confidence in the future of Canberra and the jobs they will create?

MRS CARNELL: Mr Speaker, I am sure that, some months ago, many members of the Assembly saw a major national-circulation news magazine that ran a cover story posing the question: Does Canberra have a future? In the context of massive Commonwealth spending cuts and flow-on effects to the whole Canberra economy, there was a crisis of confidence about the future of the national capital. Mr Speaker, I am delighted to say that a string of major investment announcements in the past few weeks has emphatically confirmed something that we on this side of the house have absolutely never doubted, and that is that Canberra does have a very bright future. Mr Speaker, you could be forgiven for suggesting that those on the other side of the house do not believe that at all, because they believe that nothing should ever change, it appears.

In total, Mr Speaker, more than $270m has been committed to just five major projects that have been announced or significantly enhanced over recent weeks. Two hundred and seventy million dollars is a lot of confidence, Mr Speaker, and it is a lot of jobs, in anybody's terms. These projects include the National Museum of Australia -

$133m and up to 1,000 jobs. Last week we saw the release of the design for the museum and the announcement of the successful design team. This will be a major national project, a big tourist drawcard for Canberra, and a centrepiece for the Centenary of Federation in 2001. It is also a project that Labor governments, both federally and locally, could not deliver. They talked about it a lot, had lots of photos taken, but did not deliver. Mr Speaker, one of the things that I am most pleased about is that the plan, of course, includes the ACT Aboriginal and Torres Strait Islander Cultural Centre - something again that those opposite could not deliver on. The fact is that we now have a plan. We will have a local indigenous cultural centre here in the ACT. I think that is very exciting and a great employment project for young indigenous people and indigenous artists here in the ACT.

Mr Speaker, the second project is the Lend Lease Woden Plaza development - $90m and again up to 1,000 jobs. It is a major refurbishment and expansion of a major shopping centre here in Canberra that is just having its twenty-fifth birthday. Over the last couple of days we have had the announcement of the CSIRO Discovery Centre - $17m, Mr Speaker. Contracts have been let for this project, which will showcase Australia's scientific prowess and will be another major tourist attraction. Coles, one of Australia's largest retailers, has announced $18m and about 220 jobs for major supermarket refurbishment and construction programs in Canberra. But, as well, we have had an announcement from Old Parliament House - $15m and around 50 jobs. There will be the creation of a permanent home for the National Portrait Gallery and further refurbishment work to preserve what is a wonderful building and a real national treasure.

Mr Speaker, they are by no means all of the major projects that are under way or planned for Canberra. They do not include such things as the very high speed train between Sydney and Canberra, which has now gone to the detailed tender stage. I understand that a number of the groups that went through the first stage of the project are still interested in going forward, which is very exciting. Those five major projects alone will see $270m committed to Canberra, creating literally thousands of jobs.

Mr Speaker, on top of the economic data showing that the ACT economy is now in recovery and recording strong growth in full-time employment, retail sales and job advertisements, this level of investment is a clear sign of Canberra's economic revival. In a word, Mr Speaker, this is about confidence - confidence to invest, confidence to employ and confidence in the future of our national capital. It has not been by accident, though, Mr Speaker. It has happened because the Government has been out there attracting new business and new jobs, convincing investors that this is a great place to put their money and holding the Federal Government to its promises on such things as the National Museum and the high speed train.

The contrast between this side of the house and those opposite, I suspect, Mr Speaker, has never been more stark than it is on the policies of economic revival. Mr Speaker, can you imagine Mr Berry out there negotiating with business and convincing business that it should come to Canberra? Yes, he does have the nickname "Mr Business", Mr Speaker; but I have to say that I cannot imagine it, not even in a nightmare. Mr Berry has no policies; but he does have a slogan, and I think the slogan should be, "Stick your head in the sand and hope".

Forrest Property - Damage

MS McRAE: Mr Speaker, I am a little reluctant to ask this question, because I think it is going to sound a bit like a dorothy dixer. But I think the answer is so important that I am going to proceed. It is to the Minister for Land and Planning. Minister, would you like to explain to us what happened with regard to the property in Arthur Circle, Forrest, when it was damaged, even though it was known to be about to be heritage listed?

MR HUMPHRIES: Did you ask what happened after it was damaged or leading up to its being damaged?

Ms McRae: The point of my question was why the property was damaged, even though people knew that it was going to be heritage listed.

MR HUMPHRIES: Thank you for the supplementary question.

Ms McRae: Mr Speaker, I have plenty of other questions, if the Minister chooses not to answer this one.

MR HUMPHRIES: I was joking.

Ms McRae: Just do not push it.

MR HUMPHRIES: I will not push your buttons today, Ms McRae, I assure you. I am well aware that it is not a wise idea.

Mr Speaker, the sequence of events with respect to the Arthur Circle house is as follows, as best I can recall them: An application has been made by a developer, who acted on behalf of the owners of at least some of those properties, to develop a number of housing blocks adjacent to that block on the corner of Arthur Circle and Ducane Street, I think it is. I think there were five or six contiguous blocks, and the ownership of those blocks came into the same hands.

The proposal was to develop a number of housing units on those blocks by consolidating the site into a single housing site. However, an obstacle to that development was the existence of a building on the corner of those two streets, which, in the eyes of some at least, has some heritage significance. It is one of the few remaining buildings - possibly the only remaining building - in Canberra constructed by the Federal Capital Commission in what is called the arts and crafts style. The building was proposed for heritage listing. The building had reached the stage where some work had been prepared by a local architect for it to be placed into the pipeline for registration on the interim Heritage Register. However, as I understand it, at the point where the incident occurred, the building's listing had not reached that first official stage of registration or even consideration by the Heritage Council.

I should go back one step. There was an earlier application. The earlier application had been rejected by, I think, the Land and Planning Appeals Board, on the basis, in part, that the building concerned ought to be preserved or protected in some way and that the demolition of that building was not appropriate as part of the scheme. That was not a decision by the Heritage Council; it was a decision by the Land and Planning Appeals Board, as I recall. Subsequently, the proposal was revised and put forward, again containing a proposal to demolish the building that was purported to have heritage value. It was at that point that this particular incident occurred.

To the best of my understanding, a tree person was sent to cut down the limbs of this tree. The limbs were directly above the roof of the house. Amazingly, the law of gravity cut in at that point and not only one but a number of very heavy boughs fell onto the roof, causing some considerable damage.

Mr Whitecross: You are the Attorney-General. You should amend the law of gravity.

MR HUMPHRIES: I would if I could, I assure you, for my own sake. I understand that it is alleged - although I do not have any evidence of it at this stage - that some pre-weakening of the internal structure of the building also took place. The building is still standing. The Executive of the ACT has issued orders for the building to be restored, as is our prerogative under the Land Act. That order has been served. I understand that the developer who was associated with this task on behalf of the owners has been sacked and the owners have indicated their willingness to cooperate with the orders that have been made.

I also understand that a police investigation has taken place. It has revealed that, since there was no official heritage status to the building at that point in time, it is not possible to lay any charges against a person at this stage. However, I understand that the matter is actually before the Director of Public Prosecutions at the moment. That indication that there may not be any charges capable of being laid might be premature, and I will await a decision by the Director of Public Prosecutions.

MS McRAE: Minister, what I would like to know is: Are you confident that such destructive activity will not happen again, or do we need to perhaps revise or change our heritage laws or our management of heritage in the ACT, and perhaps accelerate the placement of these houses on the register?

MR HUMPHRIES: I certainly have said, Mr Speaker, and I think it is true, that we need to come back and consider just what protection our Heritage Act offers in these circumstances. If what is alleged is true, clearly, somebody attempted to avoid the operation of the heritage legislation by deliberately damaging a house. My only concern about acting in this area is how we actually do so to ensure that somebody is not affected to their disadvantage in an unfair way.

Obviously, if I choose to climb up onto my roof and cut down the boughs of my overhanging tree and it smashes my roof, I suppose that that is my prerogative. It is a matter between me and my insurance company, I suppose.

Mr Moore: It is a matter between you and your tree.

MR HUMPHRIES: Between me and my tree, and between me and my wife as well, perhaps.

Mr Berry: You would not have been able to do it if you had not taken off the tree protection orders.

MR HUMPHRIES: I am glad that Mr Berry raised that point, because that is not actually true. The tree, at that stage, at least, was not being cut down. Only boughs of the tree were being cut down. The provisions that were referred to by Mr Berry protected only whole trees, not parts of trees. So, I am sorry, Mr Berry, but you have outfoxed yourself there. I think we do need to come back and better protect buildings in that position. I am not sure how; but I believe that we need to explore that issue. Indeed, I have given those instructions to the Heritage Unit to consider ways of doing that.

ACTION - Promotion Campaign

MS HORODNY: Mr Speaker, my question is to the Minister for Urban Services, and it relates to the ACTION bus services. We heard earlier that today you launched a promotional campaign for ACTION called "Take ACTION to Save", as part of National Travel Smart Day. You may have been aware that, at the same time, here in the reception room, the ABC's Robyn Williams was launching the Conservation Council's alternative transport strategy for the ACT, which proposes that Canberra could achieve up to 30 per cent of work trips by public transport, as opposed to the current figure of about 8 per cent. This would be achieved, not by forcing anybody out of their cars, but by improving the bus service so that it actually provides a viable and attractive alternative to car use. I note, however, that there were no Government MLAs at that launch to listen to these ideas. I assume that the intention of your promotional campaign is to increase ACTION's patronage. So, could you tell us what the Government's target is for improving ACTION's patronage relative to other transport modes?

MR KAINE: Mr Speaker, I was aware of the events that were taking place here in the Assembly today. Unfortunately, they were programmed to take place at the very same time as I was launching something for ACTION.

Mr Berry: Why did you not cancel it?

MR KAINE: I thought that people in this place were interested in seeing ACTION improved. If not, why did the Deputy Leader of the Opposition come out only this morning and say that what the Government was doing was too little, too late? I assume that he is interested in having ACTION improved. Mr Speaker, that is the reason why, when I became Minister in January of this year, I commissioned an inquiry.

That is why we have adopted the recommendations of that inquiry. It is why the new executive director of ACTION has, as his first priority, the upgrading of ACTION buses to make them more user friendly so that people will use them. That is exactly the purpose.

I know that the sustainable transport group of the Conservation Council has the same interest in ACTION buses as the Government has. They have been to see me - - -

Members interjected.

MR KAINE: It might surprise you over there; but they have actually been to see me twice in the last few weeks, and I have set up, for their information, if they are interested, regular meetings with them. They are coming to see me every six weeks or so, because we are interested in hearing what they have to say. I have not seen the document that was handed out today - I do not have a copy of it - but I indicated that we do see the sustainable transport group of the Conservation Council as being an important community group that is making a significant input to ACTION management in order to ensure that in a few months' time ACTION will, in fact, be satisfying the needs of this community - not some other need, perceived or otherwise.

Ms Horodny asked me what our target is. I do not know that we have any target in terms of saying that we want to increase daily patronage to X thousand people. I do not think there is much merit in setting targets like that, because they are pretty artificial. But what we do want to do is to get enough people using ACTION buses, first of all, so that it is an efficient system that pays for itself at least, instead of requiring considerable inputs of public money so that it can keep running. The objective is to have a bus service which meets the needs of the community and which pays for itself.

That was the objective of the Labor Party, I note, over a period of years, because they successively reduced the amount of money that they were putting into ACTION year after year when Mr Connolly was the Minister. I might even be so unkind as to suggest that some of the troubles we were experiencing towards the end of last year may well have been the result of the reduction of public money that went into ACTION under the Labor Government. We finally saw the result of all of that. So, I think members opposite need to be a bit careful about saying "too little, too late" and criticising the current management for the ills of ACTION that have accumulated over a period of years, many of those years being those when the Labor Party was in government.

We certainly have an objective, Ms Horodny, of creating an efficient, effective bus system that is attractive to people. We want as many people as possible to get into those buses instead of into their cars, for the reasons that I outlined in answer to the earlier question. If we can get people out of their cars and into the buses, first of all, it reduces the public expense in terms of continuing to build more and more road infrastructure and maintaining it; it reduces the impact of all of those motor vehicles on the environment, on the ecology; and, at the end of the day, it is more costly, not only for individuals, but for the community, to drive their cars every day.

So, we want to see a better balance. It is an objective that all governments have had ever since self-government. It is not just an objective of this Government; but it is one that I totally subscribe to. If we could double the number of people currently riding on ACTION buses, I would be delighted; but I think it would be rather futile for me to say, "That is the target - to double the number or to increase it by 25 or 30 per cent". The objective is to make it an attractive system so that people will choose to use it. Obviously, the more that do, the better bus system we will have and the better result we will have for the entire community.

MR SPEAKER: And, for the information of members, the report is available at $12.

John Dedman Parkway

MR CORBELL: My question is to the Minister for Planning. Minister, last week a member of your staff and endorsed Liberal candidate for Ginninderra, Vicki Dunne, announced a proposal for a road tunnel through O'Connor Ridge as part of a proposed John Dedman Parkway. Minister, do you agree with this proposal, and did you agree to it before it was announced?

Mr Moore: That is an interesting idea. We will consider it. She should put it to the committee.

MR HUMPHRIES: Mr Speaker, if she wants to, she can. I think Mr Corbell has broken the golden rule of politics: Never give advertising to your opponents. But I am very happy to mention Mrs Dunne - that is spelt "D-u-n-n-e"; and her Christian name is Vicki - in this place and allow her to have her proposal further ventilated. I think members need to understand that this Government is not proposing to build the John Dedman Parkway. I can guarantee to members that, when some Minister for Planning comes to consider the building of a John Dedman Parkway, I will be long gone from politics. I promise you that.

Mr Whitecross: After the next election?

MR HUMPHRIES: It could be as early as that, Mr Whitecross.

Mr Whitecross: With any luck.

MR HUMPHRIES: If I had your popularity, Mr Whitecross, I would not be making those sorts of comments. I would not be pointing any fingers or throwing any stones, Mr Whitecross.

The point is that I do not propose to build the parkway. So, I appreciate suggestions about ways in which the road itself might actually be built. I think that, when some government in the future - it may be that Mrs Carnell's Government, many years from now, will still be in office; who knows?; or it could be Ms Tucker's Government or somebody else's - comes to make that decision, it may find the suggestion about an

alternative to a conventional road that simply travels across the ground a very welcome suggestion. I value the suggestion made. I endorse Mrs Dunne making the suggestion. I think that, whatever government of the future has to consider the building of such a road, if it comes to that point, it would be well advised to consider options like that.

MR CORBELL: Minister, was this proposal developed in your office? Since the Sport Minister, Mr Stefaniak, has used a member of his staff to announce Government policy on sport, is your staff member doing the same thing in relation to the John Dedman Parkway?

MR HUMPHRIES: Obviously, a lot more ideas get churned up and developed in my office than get developed in yours. I do not know whether Mrs Dunne thought of the idea while she was sitting at her desk at work, at her desk at home, or in the car between the two places. I do not really care, to be quite frank. But I do know, Mr Speaker, that, when members of my party - whether they are endorsed candidates or not - come forward with constructive suggestions to deal with this community's problems, I am going to be supporting them all the way in those circumstances. I happen to think that the suggestion about a tunnel is an idea very much worth considering.

Land (Planning and Environment) Act - Compliance Orders

MR MOORE: Mr Speaker, my question is also to Mr Humphries as Minister for the Environment, Land and Planning. I am concerned, Mr Speaker, because I can feel a sense in the Assembly that we are all going to say, "Okay, let us bring on the John Dedman Parkway so that we can get rid of him". But I know what would happen: He would move across to opposition and say, "I can be honest now". Minister, I refer to longstanding complaints from residents of Morant Circuit, Kambah. You will notice, Minister, that I take a broad view of Canberra. I am not just electorate focused - although I like to look after my electorate, too. The complaints are with respect to a resident of the circuit who has unapproved buildings on the block and who maintains the block in a cluttered and unclean state, with unsuitable border fencing and so on. Compliance orders have been issued in the past, and sometimes the block is cleaned up; but the history is that it does not remain that way for very long. I might remind you, Minister, that a case study of these complaints even appeared in the Stein report into the administration of the leasehold system, at pages 206, 207 and so on. The problem has existed, as I understand it, since 1979. Minister, what are you going to do to ensure that compliance orders are implemented?

MR HUMPHRIES: Mr Speaker, I have had some correspondence, I think, about this particular block, although not in recent days; so, I cannot give Mr Moore extremely up-to-date information about this. Let me say that I have indicated to officers of PALM that I consider enforcement of those provisions in the Land Act to be important and that I want them to be actively considered, rather than treated as verbiage which is more honoured in the breach than enforced. I am aware, nonetheless, that enforcement of those sorts of provisions has always been extremely difficult and it has often been very difficult to persuade people to accept that strong action needs to be taken in those circumstances.

I think that the structures of appeal and so on probably contribute to that hesitancy on the part of officers of Urban Services. But, whatever the reason, I can indicate that the Government certainly has the view that these sorts of things ought to be prosecuted where appropriate.

I will take notice of what action has been taken to enforce the Land Act in respect of this particular block. I cannot recall whether this was the same block; but I recall, in the last 12 months, indicating that a certain timeframe would be given to a particular householder to comply with the Act or action would be taken. If this is the same block, then that time would be either up or close to being up. If that is the case, then I would expect enforcement action to be taken against them.

MR MOORE: Mr Speaker, I have a supplementary question on compliance orders. Minister, I wonder how you perceive the use of compliance orders, when you see all around Canberra an expansion of things such as front fences, particularly since you have been Minister. I wonder why you have not used compliance orders, when clearly such things are not part and parcel of Canberra.

MR HUMPHRIES: Mr Speaker, I do not know that I have observed any proliferation of front fences since I have been Minister. I am aware of some front fences that are around this town, which probably predate - - -

Mr Moore: There has been a proliferation since you have been Minister; there is no doubt about it.

Mr Kaine: Have you been down and had a look at Michael's place lately?

MR HUMPHRIES: No. Probably Reid is one of those places where fence offences are quite common. But I am aware of some fences. I am not aware of any having gone up during my stewardship of this office. From time to time, I have been written to by members of this place about enforcing provisions. I have always said to my department in those circumstances that I consider that those provisions should be taken seriously and that we obviously should give leaseholders adequate time to remedy their breach; but, if they will not do that, then we should make sure that they do so. I have often involved myself in negotiations directly with parties in those circumstances to get them to comply. I am pleased to say that in most cases they do comply through persuasion, rather than having to have the heavy hand of the law come down on them.

Mr Moore might recall a particular incident involving a person with unauthorised sheds at the back of their premises. This received some publicity. It almost came to the point of having to send in police officers to tear the sheds down. Again, we went to the brink there and avoided a confrontation. I make it perfectly clear that we will have to have those confrontations if people will not ultimately do the right thing according to the legislation.

If Mr X from Kambah has been in breach since 1979, I would agree with you that it is time that he was made to feel the force of the law. If he has not made any step towards remedying his breach within a reasonable period of time, then, yes, we will enforce in that situation. There is no sense of any leniency in this respect. I strongly believe that those provisions should be enforced. That is the message that I have sent to my department. If you have evidence of people being let off or laws not being enforced, then let me know about them and I will certainly follow them up.

Housing Trust - Property Maintenance

MS REILLY: Mr Speaker, my question is to the Minister for Housing. In ACT Housing's spring newsletter, mailed out to all ACT Housing tenants, there was an article in relation to maintenance. It is on page 3, Mr Stefaniak. The article stated that this year's maintenance plan includes the painting of 3,000 properties externally; the painting of 1,000 properties internally; 70 wet upgrades, which means bathrooms, laundries and toilets; 70 kitchens; and 80 major upgrades, which means bathrooms, kitchens, toilets, total property repaint and in most cases new floor coverings. Minister, how did ACT Housing determine the priorities and numbers of particular maintenance to be undertaken this year?

MR STEFANIAK: Ms Reilly, as you are well aware, we have substantially increased the money available for maintenance - both planned maintenance and also more emergency maintenance - for this year. I think I have already given you figures on that. In fact, it is over $7m more. In terms of planned maintenance, I understand that total upgrades for kitchens and wet areas will actually involve about 220 properties. I am not quite sure whether that is reflected in your figures there; but it is probably pretty close to it. In fact, yes, I think it is. There are 220 properties there. I have not actually seen a copy of the newsletter yet; but, in terms of the 3,000 properties for external painting and the 1,000 properties for internal painting, they would be properties which are due, cyclically, to be painted.

There could be some other reasons as well why those properties might be on it. For example, as you are well aware, tenants often write in and indicate that they need some maintenance; that maintenance has not been done. Whilst it is desirable to paint properties every seven or eight years or whatever, occasionally I get complaints such as, "My property has not been painted in 10 years". Obviously, when an inspector goes out, checks that out, and says, "Yes, that property should be painted", that property is then included on a schedule. So, I think you would probably find a little bit of that as well. There would, undoubtedly, be some other reasons why some of those 3,000 properties for external painting and 1,000 properties for internal painting might well be included there. I will just see whether I have anything else which I can assist you on there.

Obviously, some of our properties are quite old. Forty per cent are over 30 years old. You may not be aware of this, because I do not think you were in the Assembly then; but in September 1995 ACT Housing tenants completed a survey on the condition of their properties. That information is, in fact, being used to better target improvements in capital works under a planned arrangement, being proactive rather than reactive.

There is a five-year rolling property inspection plan, established to ensure that information on the condition of properties is kept up to date. I think that would be a further reason for doing some of those jobs that have been described in the tenants' spring newsletter.

MS REILLY: I have a supplementary question, Mr Speaker. Minister, you described what happens in relation to maintenance. So, it did not answer the question. The article in the newsletter also stated:

> The information you provided on the Census form last year -

that was the census that related to property management -

> has enabled ACT Housing to establish a long term maintenance plan and to determine which of our programs require priority.

Minister, how can this be the case, when I requested a copy of the long-term maintenance plan from your office and was informed that it did not currently exist? It would be interesting to know how you determined which properties should be painted, et cetera. If this long-term maintenance plan does actually exist, can I get a copy by close of business today? Can you table a copy?

MR STEFANIAK: I am not sure of exactly what you might have asked of my office, or of whom, Ms Reilly; but, if you give me details of that, I will see whether I can - - -

Ms Reilly: It was in the newsletter, and I asked for a copy.

MR STEFANIAK: You tell me when you asked for a copy and I will see what we can do. It may not necessarily be by close of business today.

Ms Reilly: Surely, if you are across the portfolio, you know about your long-term maintenance plan.

MR STEFANIAK: Ms Reilly, I do not know whether there is actually such a document as you described. But certainly we have a program. A program itself can be a plan. But, in relation to whether there is an actual physical document called a "plan", you might be a little bit mistaken there.

Mrs Carnell: I ask that any further questions be placed on the notice paper.

Learning Assistance Program Assessments

MR STEFANIAK: On 25 September Mr Moore asked me a question relating to literacy assessment and the answers to parts 2, 3 and 4 of question on notice No. 411, and I took that on notice. I have subsequently provided Mr Moore with an answer in writing. I now seek to have my answer, which I have provided to Mr Moore, incorporated in *Hansard.*

Leave granted.

Document incorporated at Appendix 2.

LITERACY - DISCUSSION PAPER

MR STEFANIAK (Minister for Education and Training): Mr Speaker, on 24 September 1997 the Assembly passed a motion requesting an addition to the discussion paper on literacy currently in circulation. I am pleased to advise the Assembly that the resolution has been effected. I now seek to have the applicable departmental circular minute and the mailing list incorporated in *Hansard*.

Leave granted.

Documents incorporated at Appendix 3.

PERSONAL EXPLANATIONS

MR CORBELL: Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR CORBELL: Mr Speaker, in answer to Mr Hird in question time today, the Minister for Urban Services, Mr Kaine, suggested that Mr Wood had led a delegation of Gungahlin Community Council members to a meeting in his office in relation to bus services in Gungahlin. Mr Speaker, I have checked with my colleague and he at no stage has led a delegation of members of the Gungahlin Community Council to Mr Kaine's office. I would like to explain to the Assembly that I have led such a delegation. I would also like to point out to the Assembly that Mr Kaine suggested that I pretended that I did represent my electorate. I would like to assure Mr Kaine that at all stages I do represent the interests of my electorate, which is precisely the reason why I led a delegation of members of the Gungahlin Community Council to his office about the appalling lack of bus services at Gungahlin.

Mr Speaker, I make one final point. Mr Kaine, in his answer, was not able to give any assurance about solving problems with bus services in Gungahlin. All he said was, "We know about them - - -

MR SPEAKER: Order! This is not a personal explanation.

MR CORBELL: Perhaps Mr Kaine is only pretending to be a Minister.

MR SPEAKER: That is not a personal explanation.

Mr Kaine: I take a point of order, Mr Speaker. When Mr Corbell protests so much and says he does not, does he mean that he does not pretend, or that he does not represent? Which?

Mr Whitecross: Is this a point of order?

Mr Corbell: There is no point of order.

MR SPEAKER: Order!

MR WHITECROSS: Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes.

MR WHITECROSS: Mr Speaker, in question time Mrs Carnell misrepresented me when she said that I misled the Assembly by saying that she had never made a ministerial statement in relation to gas reform, whereas in fact she made one only yesterday. An inspection of Mrs Carnell's ministerial statement reveals that there was one sentence, exactly 10 words, on gas reform, not a ministerial statement.

MR SPEAKER: Order! That is not a personal explanation. It has nothing to do - - -

MR WHITECROSS: I was misrepresented and I have clarified the matter.

FINANCIAL MANAGEMENT ACT - APPROVAL OF GUARANTEE
Paper and Ministerial Statement

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members and pursuant to subsection 47(3) of the Financial Management Act 1996, I present an approval of a guarantee under an agreement between the Australian Capital Territory and the Commonwealth Bank of Australia. I ask for leave to make a short statement.

Leave granted.

MRS CARNELL: In accordance with subsection 47(3) of the Financial Management Act 1996, I have tabled a copy of an approval I have given in relation to a guarantee by the Territory. The approval relates to an amended finance facility between the Commonwealth Bank of Australia and Harcourt Hill Pty Ltd.

The original guarantee was provided by the previous Government in respect of a $25m loan facility by Harcourt Hill in October 1993. This provided an unconditional and irrevocable undertaking by the Territory to the Commonwealth Bank to pay any amount outstanding on the fifth anniversary of the facility - that is, by October 1998. At present $16m of the original facility remains outstanding. Harcourt Hill has other debts and financing requirements of an additional $4m. There is no prospect of repayment of these amounts prior to the time the Government's existing guarantee takes effect.

The approval I have given consents to increasing the current financing limit with the CBA from $16m to $20m. The CBA has also agreed to extend the repayment date to 30 June 2002. The amended facility also provides for a new debt reduction schedule over this period and more cost-effective loan arrangements than those embodied in the original facility.

The amended facility also follows lengthy negotiations with the Government's private sector partner on measures to strengthen Harcourt Hill's financial position. This has included substantial restructuring to change the scope of the original project. The original intention to develop an international standard hotel resort cannot be fulfilled, given the lack of demand for a facility of that nature at Harcourt Hill. It also involves the transfer of ownership of the golf course estate at Harcourt Hill to public ownership in return for the Government accepting responsibility for $2.75m of debt. Costs of $8.5m incurred on the development of the golf course were written off in the financial statements of Harcourt Hill in respect of 1996-97.

The new facility is based on a revised project plan of Harcourt Hill that extends the completion of the residential development to the year 2005. The project has been subject to an independent due diligence and the Government is satisfied of its viability under the new arrangements. I should emphasise that the approval I have given does not increase the Government's exposure to this project. It recognises the debt position of the project and places the debt reduction required on an achievable basis. The Government's private sector partner has provided personal guarantees for half the increase in the CBA debt facility. This represents a significantly greater sharing of risk by the private sector partner than that embodied in the original agreement entered into by the previous Government. The new finance facility and other restructuring measures have enabled work on land development to recommence and protect the Government's considerable commitment to this project.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on ACT Government Draft Asset Management Strategy - Government Response

MRS CARNELL (Chief Minister and Minister for Business and Employment) (3.52): Mr Speaker, for the information of members, I present the Government's response to Report No. 27 of the Standing Committee on Public Accounts which was entitled "Report on the ACT Government Draft Asset Management Strategy" and which was presented to the Assembly on 28 August 1997. I move:

> That the Assembly takes note of the paper.

I am pleased to table the Government's response to the report by the Standing Committee on Public Accounts on the ACT Government draft asset management strategy. The Government appreciates the work of the committee. The committee's findings will assist in developing better asset management practices for the Territory. Like the committee, the Government believes that recognition of environmental, heritage and non-financial issues is an important component in recognising the value of an asset to the Territory.

Four of the five recommendations made by the committee are readily supported by the Government. The fifth recommendation, relating to giving greater emphasis to the potential benefits of public ownership, was an issue that did not receive unanimous support within the committee. The Government's financial management reforms are based on getting the best value from the Territory's resources. This is particularly so in terms of achieving the most effective and efficient use of the Territory's assets.

The strategy was not biased towards either private or public ownership of assets used to deliver services to the community. Rather, it was based on ownership decisions being considered on the individual merits of each case. Effective asset management relies on assessment of all options and alternatives. The example of Jindalee Nursing Home and the demonstrable benefits to residents in transferring it to the private sector confirms this approach. The value in the strategy has to be in maintaining an open approach to each of these asset management decisions.

It is pleasing that the committee recognised the potential the strategy has to be at the forefront of asset management in Australia. The Government believes that the strategy will be a vital tool in improving the effectiveness of Territory-owned assets. The strategy has clear implementation targets and timings. These targets will be reported on to the Assembly and in the budget documentation. I would like to thank the committee for its report and its attention to this, I think, very important matter. I believe that the quality of the strategy indicates once again the high standards of our Public Service. The strategy has been incorporated into work being undertaken in other jurisdictions. Again, the ACT is leading other States.

Question resolved in the affirmative.

TERRITORY OWNED CORPORATIONS ACT - CANDELIVER LTD
Papers and Ministerial Statement

MRS CARNELL (Chief Minister and Treasurer): For the information of members and pursuant to subsection 9(1) of the Territory Owned Corporations Act 1990, I present, in relation to CanDeliver Ltd, a statement setting out the names of the shareholders, a description of the principal activities of CanDeliver and a copy of its memorandum and articles of association. I ask for leave to make a short statement.

Leave granted.

MRS CARNELL: CanDeliver was incorporated under company law and the Territory Owned Corporations Act 1990 and was registered with the Australian Securities Commission on 23 September 1997. Under the Territory Owned Corporations Act 1990 the portfolio Minister must, within 15 days of incorporation, lay before the Legislative Assembly a statement setting out the names of the shareholders, a description of the principal activities to be carried out by the company, and a copy of the memorandum and articles of association of the company. Therefore, I now table these documents for CanDeliver Ltd as a formal notification to the Assembly.

PAPER

MR HUMPHRIES (Attorney-General): For the information of members, I present a revised edition of the information bulletin relating to patient activity data for the Calvary Public Hospital for June 1997.

AUDITOR-GENERAL (AMENDMENT) BILL 1997

Debate resumed from 9 April 1997, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

Debate (on motion by **Mrs Carnell**) adjourned.

EUTHANASIA REFERENDUM BILL 1997

[COGNATE BILLS:

CRIMES (ASSISTED SUICIDE) BILL 1997
MEDICAL TREATMENT (AMENDMENT) BILL 1996]

Debate resumed from 24 September 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Crimes (Assisted Suicide) Bill 1997 and the Medical Treatment (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to orders of the day Nos 3 and 4.

MR BERRY (Leader of the Opposition) (3.58): The first Bill in this trio is the Euthanasia Referendum Bill. Mr Moore sets out here to have a referendum in the Australian Capital Territory to deal with two questions. The first is:

Do you believe that voluntary active euthanasia should be permitted by law?

The second question is:

> Do you support the following statement?
>
> > The people of the ACT call on the Commonwealth Parliament to restore to the ACT Legislative Assembly the power to make laws with respect to voluntary active euthanasia.

Whilst the Bill is in pursuit of a noble cause, it has been demonstrated already that the outcome is hopeless.

Members will recall that we passed a motion in this Assembly - I think unanimously, on my recollection of it - in which we were highly critical of the Federal Parliament's action in moving to take away the power of the ACT Legislative Assembly in respect of euthanasia. The Chief Minister, I and others attended a ceremony which, I think, was called a remonstrance or a remonstration or something like that.

Mr Humphries: It was not a demonstration, was it?

MR BERRY: No; beginning with an "r". It really was not as exciting as a demonstration. It was a rather more formal affair where a message was brought from the Northern Territory Parliament, supported by the Australian Capital Territory Chief Minister and other members, to the Speaker of the House of Representatives, Mr Halverson, to make clear to him our view in relation to these matters. We also, I think, took it to the President of the Senate, Margaret Reid. It was not received that well by the Federal houses; in fact, it was totally ignored.

That raises the question of what would happen if we were to have an expensive and time-wasting referendum here in the ACT. I expect that there would be an overwhelming majority that would say yes to the first question, and I suspect the answer to the second question would be yes too. But I think it would make about as much difference as the remonstrance made when we took it to both houses of parliament last time. We were opposed to what they were about to do. They knew that we were opposed. They knew that the people elected by the ACT community had unanimously expressed a view, and it did not even feature in the debate. It was not something which was supported by sufficient members on either side of the houses of parliament on the southern side of the lake, and I suspect the same would happen in respect of this.

The other issue that arises is that this Bill seems to suggest to the community of the ACT that there is some hope if we pass this referendum. I think there is no hope. I think that has been demonstrated. The numbers have not changed sufficiently. I think it would be wrong to build up false expectations in the community, which would inevitably be the case no matter how much effort you put into a campaign to advise people that this is a waste of time but we would like them to make a contribution anyway. Mr Speaker, I am opposed to the Euthanasia Referendum Bill. Whilst, as I say, it pursues a noble cause, it is not something that will take us anywhere, so far as the ACT is concerned, because of the Andrews Bill and the no change situation, as far as I can see anyway, in either of the houses on the southern side of the lake. I will be opposing that Bill.

The next Bill which comes up in the trio is the Crimes (Assisted Suicide) Bill. I have to refer to the Scrutiny of Bills Committee's report in relation to this matter. The Scrutiny of Bills Committee's report specifically mentioned the Crimes (Assisted Suicide) Bill 1997. I will paraphrase some of the comments on the Bill, but the committee said this:

> This Bill creates a number of new offences in relation to assisting a person to suicide, and provides that in any circumstances which would constitute one of the new offences, subsection 17(1) of the Crimes Act 1900 does not apply. The object is to provide penalties in relation to the new offences which are much lighter than the penalty under subsection 17(1).

The committee rightly points out that this creates two levels of application of penalties for this crime in relation to certain persons. Some people would be subjected to this penalty which is proposed in the Bill, but some others would not. For example, a doctor would be exposed to the new mitigated penalties but a nurse would not. The committee was critical of that proposal. I quote from the report:

> Clause 5 defines the circumstances in which a medical practitioner who assists a 'prescribed person' to commit suicide is punishable by imprisonment for 3 months if the latter administered a substance by her or himself, or by imprisonment for 6 months in any other case. But under subclause 6(1) a police officer 'may serve' an offence notice on a medical practitioner, and by subclause 6(2) the Director of Public Prosecutions 'may serve' an offence notice on a medical practitioner who has been charged with an offence under clause 5. The effect of such a notice is to enable the 'alleged offender' to opt to pay a fine (as prescribed), and if this is done, no further proceedings shall be taken in respect of the offence and the person shall not be regarded as having been convicted of an offence against clause 5.

The report goes on to say that this raises important considerations, and that is very true because it points to the issue of public officers being able "to dispense with the operation of the law in favour of particular individuals". There are some distinct areas of concern which are raised by the Scrutiny of Bills Committee and I think they give cause for fairly grave concern in relation to the matter.

One further matter is that if, in accordance with the legislation proposed by Mr Moore, a doctor were to assist somebody with a suicide or euthanasia in some way, it would remain to be held to be a crime. If this same doctor were subjected to the on-the-spot fine proposal, there is nothing to stop the Medical Board from acting against the doctor in question for the commission of a criminal offence. It seems to me that that sort of vulnerability would render the Crimes (Assisted Suicide) Bill ineffective at any rate. It would also seem to me that there would be few doctors who would participate in this process, and that would render the Bill ineffective for the most part.

Those matters aside, this Bill, in my view, trivialises the entire debate about euthanasia. If we were to support this Bill, in my view there would be a response from the houses of parliament on the southern side of the lake similar to the response in relation to the Northern Territory euthanasia legislation which resulted in the Andrews Bill. It would be a swifter response because the target is much bigger. It would be much easier for those who are opposed to euthanasia to mount a case on the basis of the method which is proposed to be adopted by this legislation. It clearly trivialises the debate over euthanasia. In my view, if it were to be carried it would set the debate back at least 10 years.

I say that because it is quite easy for those who are opposed to euthanasia to say, for example, that it would cost you less for an on-the-spot fine in the Territory if you assisted a suicide than it would if you were caught speeding or smoking in a lift.

Mr Moore: It would be free under the legislation. It would be free under the legislation you supported last time. Come on, Wayne; this is just weasel stuff, and you know it.

MR BERRY: That gives you an idea of the size of the target that you create, Mr Moore, with this piece of legislation. I say to you that you are not doing the supporters of euthanasia like me any favours with this sort of legislation, because what would happen is that there would be a swift response from the Federal Parliament to this legislation. I do not think there is any doubt about that. You would get a response similar to the Andrews Bill.

I know you have said that there is a possibility of a High Court challenge. That might be a great grandstand for you, Mr Moore, but it would be a very expensive one for the people of the ACT. Even if it were to be pursued in the High Court - and there is a lot of doubt about that - and even if the law were held to be valid, the Federal Parliament would, in my view, swiftly move because it is such a big target. Mr Speaker, I think the Crimes (Assisted Suicide) Bill trivialises the debate. I am a supporter of euthanasia. I have been a supporter of my party's policy from the word go and have been instrumental in making sure that it maintains a high profile; but I will not support this sort of legislation, because it trivialises the debate and would set the cause back at least a decade.

I have said in the past that the place for this to be resolved now is in the States, where they have the authority. Very clearly, the authority has been taken away from the Territories in accordance with the powers of the Federal Parliament and there is nought that we can do about it. Thrashing around and becoming frantic about the issue, engaging in a crusade and saying, "The war is not over yet; I have not stopped fighting" will not assist us much on this issue. Mr Moore, I think this Bill should never have been brought forward. I think you have done those who support euthanasia a disservice. It was never a Bill that was deserving of success and it would invite the strongest criticism from people in other places.

I also think this legislation would further draw the Australian Capital Territory into ridicule because of its inadequacies and the way it trivialises this very important issue. I think most Australians support euthanasia provided it is in a properly regulated framework. I certainly do. But I would not like to see the whole debate shipwrecked

because of this sort of backdoor exercise. This is a tricky-dicky attempt to outsmart the Federal Parliament. They would not be outsmarted by this and they have made their intention clear in the past. I think this would trivialise the debate, as I have said, and I think it would draw an equal but swifter response from the Federal Parliament.

The third Bill in the trio is the Medical Treatment (Amendment) Bill. I have a different view about some clauses of this Bill. I would be prepared to support this Bill in principle in order that I could support some clauses which I think are positive. Overall, I think this again is part of the backdoor approach to legislation and I do not think it would take us very far. There are some clauses of it that I support. I think it is clause 5 which refers to an amendment to section 6 of the principal Act. It proposes to omit the words "for a current condition". That is part of a package to remove "a current condition" from the play. That, in effect, would allow somebody who wanted to issue a direction in relation to medical treatment to do so for a current condition. That, in essence, is a living will proposal and I think it is a fair one. If the Bill is passed in principle, I indicate now that I intend to support those three proposals - that is, clauses 5, 6 and 8 - to ensure that the essence of a living will, in so far as medical treatment is concerned, is supported. I do that because it is consistent with my party's policy, which I support, and it is framed in a very tightly regulated piece of legislation which has been on the record for some time.

I will go back to clause 5 of the Medical Treatment (Amendment) Bill. Clause 5 relates to section 6 of the Medical Treatment Act and I will quote that. It states:

> A person who is of sound mind and has attained the age of 18 years may make a direction in writing, orally or in any other way in which the person can communicate to refuse, or for the withdrawal of, medical treatment -
>
> (a) generally; or
>
> (b) of a particular kind;
>
> for a current condition.

I support the omission of "for a current condition" because it will allow somebody to make an advance direction which might anticipate suffering some sort of terminal injury where they are not able to make these sorts of directions - for example, head injuries as a result of a car accident and so on. This would enable a person to make a direction for a future unknown set of circumstances. I support that approach. Section 10 of the Act refers to the cessation of a direction and that talks, again, about a current condition. If the current condition no longer applies, then the direction is no longer current. Mr Moore seeks to repeal that part of the legislation, and I am happy to support that.

The Schedule again goes to those same issues. *(Extension of time granted)* I thank members. I will not be long. The Schedule to the principal Act is proposed to be amended by Mr Moore's Medical Treatment (Amendment) Bill. It again refers to the condition to which the form related - that is, an existing condition. Paragraph 8(b) deals with a current condition as well. Those are the three sections that I would support if the Bill makes it through the in-principle stage.

MR OSBORNE (4.19): I rise today to mark the demise of the latest attempts by my dogged colleague Michael Moore to sneak euthanasia under the bar once again. I think I have made my position quite clear over the years, so I will not bore you with it again. Let me say only this: The only thing I am happy to put to death in the ACT is the majority of this series of Bills. Today we are taking the brain-dead body of euthanasia off life support, giving it a lethal dose, burying it, and then dancing on its grave. Good try, Michael. With the election coming up, I do not know whether either of us will be back to debate this issue again; but if we do both return I expect that soon after the next Assembly is formed you will be getting out your shovel, digging up the corpse of euthanasia and trying to breathe new life into it. Let me say this one thing: I will be standing there with a stake in my hand.

MRS CARNELL (Chief Minister) (4.21): I will be opposing the first two Bills, and I think I have made my points fairly clear on that. With regard to the Euthanasia Referendum Bill, even if we passed a referendum in the ACT we could not do anything with it at that stage, so to spend a quite significant amount of money on a referendum that we knew we could not implement would seem to me to be a huge waste of taxpayers' money. Of course, if Mr Moore and others were willing to support our CIR Bill, the citizens could put forward a referendum and a referendum could happen. On the basis that that is not the case, I do not believe it is appropriate to spend taxpayers' money for no purpose.

The Medical Treatment (Amendment) Bill 1996 is totally different because it does two things. One of them is that it removes the words "to the maximum extent that is reasonable under the circumstances" from the Act and leaves in place the words "to ensure the right of patients to receive relief from pain and suffering". I was particularly amazed that Mr Berry opposes that. We will move from a situation where the Act says "to ensure the right of patients to receive relief from pain and suffering to the maximum extent that is reasonable in the circumstances" to a situation where it will read "to ensure the right of patients to receive relief from pain and suffering".

I fully accept that that does change the debate somewhat because as the section stands at the moment the debate will always be about what is reasonable, and I think all of us would believe that what the argument should be about is the rights of the patient. This is not about euthanasia. If the intent under this Bill were to terminate somebody's life it would not fall inside the Bill. The intent has to be to remove pain and suffering, or to help the patient, or to keep the patient comfortable. So it is a totally different scenario. On one side there is the debate on whether euthanasia is all right or not. At this stage I am not willing to support a euthanasia Bill, active euthanasia meaning where a doctor and a patient determine to end a terminal patient's life. On the other side of the agenda we have a situation where the total reason or the total motivation is to keep a patient comfortable.

I have to say, from spending many years dealing with patients who are in pain or at the end of their lives, that I believe it is the right of a patient to receive relief from pain and suffering. I know that there are times in medical science when that is not possible, but I believe a patient has the right to that sort of treatment wherever it is possible.

I will be supporting this Bill. I agree with Mr Berry that we should remove the requirement in this legislation for the living will, shall we say, or the making of a direction to be only with regard to the current condition, so I am happy to support that part of it as well.

MS TUCKER (4.25): I will speak first to the Euthanasia Referendum Bill. The Greens will not be supporting this Bill. Of course, the issue of euthanasia is very significant, and we would say yes to the questions put forward by Mr Moore in the Bill if we were asked. Ms Horodny and I have both publicly expressed our support for voluntary active euthanasia and supported Mr Moore's previous Euthanasia Bill in the Assembly. We were also very disappointed that the Federal Parliament passed the Andrews Bill, which restricted the ACT's power to legislate on euthanasia.

However, we do not feel we can support the Euthanasia Referendum Bill, because we do not believe that the holding of a government-sponsored referendum on euthanasia is the appropriate way of progressing this issue. It is not that we do not believe that euthanasia is an important enough issue, but we want to maintain consistency in how referenda are used in the ACT. We regard Mr Moore's Bill as essentially a type of citizen-initiated referendum, and the holding of CIRs has yet to be agreed to by this Assembly. We believe it would be much better for the Assembly to resolve the CIR issue before it responds to ad hoc requests for referenda like this.

There are some specific problems with holding this particular referendum under the Referendum (Machinery Provisions) Act. At present government-sponsored referenda are usually held to decide on proposed changes to the process of government. Referenda are traditionally used as a way of allowing decisions to be made by the community as a whole in situations where politicians could be perceived as having a conflict of interest in deciding on issues that directly affect their future roles and activities. At the Federal level, various referenda have been held over the years on amendments to the Australian Constitution. In the ACT we have had a referendum about changing the system of voting in Assembly elections.

The Referendum (Machinery Provisions) Act was specifically based on the Commonwealth legislation that deals with constitutional referendum reform. However, Mr Moore's Bill is essentially asking for people's views on a particular social issue, that is, euthanasia. It cannot change the existing legislative controls over euthanasia. It is essentially a form of public opinion poll, the results of which could then be used to put political pressure on the opponents of euthanasia. The Greens have no problem with groups in the community who are concerned about a particular issue undertaking such polls, getting signatures on petitions and lobbying politicians; that is what democracy is about. But we do have problems with the government doing this work.

There is the issue of consistency here. If we are going to have a referendum on euthanasia, then why not have referenda on the myriad of other issues raised in this Assembly? Those people who support citizen-initiated referenda would probably love to have lots of referenda like this. We, therefore, see a danger in supporting this Bill.

The Assembly would be endorsing the principles of CIR, which is certainly not what we want to do at this stage. The Greens' view on CIR is that we support the extension of mechanisms for community participation in Assembly decision-making, including the use of CIR, only if these other mechanisms have been implemented very carefully to ensure that the disadvantages of CIR are fully overcome.

In particular, CIRs oversimplify complex issues to a yes/no vote by a public who may not have the expertise or information on which to consider all aspects of the issue, and minority groups may be discriminated against by the majority rule encouraged by CIRs. We are not prepared to support CIR legislation until a Bill of Rights is entrenched in the ACT, community right to know legislation and improved freedom of information legislation are passed and extensive community consultations processes are implemented. Democracy does not begin and end at election day.

The Greens will be supporting the other two Bills that we are dealing with in this cognate debate. The Medical Treatment (Amendment) Bill is about ensuring the right of a patient in a situation where they are experiencing pain and are in the terminal stage of a terminal illness. They will be able to determine for themselves whether or not that pain relief is actually succeeding. I think it is perfectly reasonable.

We will also support the other Bill that we are debating today, the Crimes (Assisted Suicide) Bill. I believe it is a quite legitimate strategy in terms of the rejection by the Federal Parliament of our right to introduce a compassionate response to the dilemma for people who are suffering a terminal phase of a terminal illness and who, indeed, are suffering to the degree where they no longer want to continue experiencing that condition. This Bill is another attempt to force, I believe, society, and the Federal Parliament in particular, to address this issue again. The community has made it quite clear many times that they believe it should be the right of someone who is in a terminal phase of a terminal illness to voluntarily decide that their suffering should end.

In the initial debate on euthanasia, I made the point that it had been a very difficult decision for both Ms Horodny and me; that I had read a large amount of the literature that was provided by all sides of the argument; and that I was finally convinced that, as already life and death decisions are being made on a daily basis in our hospitals, this would actually bring about a greater accountability and a greater ensuring of patient rights than the current situation. As I said, we will be supporting the second and third Bills, but we will not be supporting the referendum Bill.

MR HUMPHRIES (Attorney-General) (4.32): I will be dealing with these three Bills differently. I might indicate that the Liberal Party's view about these three Bills is that they are matters of conscience and there is no party line that imposes a particular result on any of these three Bills. So, members may wish to speak for themselves on these three Bills.

For my part, let me say that I oppose the Euthanasia Referendum Bill, actually for much the same reasons as Mr Berry put forward. I disapprove of the decision made by the Commonwealth Parliament. I believe it is wrong to restrict the decision-making capacity of the people of the ACT via their duly elected Legislative Assembly on matters such

as this. Nonetheless, that decision has been made and the very high cost that will be associated with making a statement about euthanasia, when there is no power to back that statement up in legislation, is too high a cost to pay. So, it is pointless inflicting that very high cost on the community of the ACT.

The other point which needs to be made is that my party is a very firm supporter of the concept of referenda to decide critical issues of concern to the broader community. In most circumstances, we would support referenda of this kind being put before the community of this Territory, but not at the initiative of politicians. In such cases, they should be most certainly at the initiative of citizens. I hope members of this place will have the opportunity to further consider the citizen-initiated referendum legislation that my party has before the house at the moment.

The Crimes (Assisted Suicide) Bill is a piece of legislation which is deserving of more thought and care. It has been characterised already as euthanasia through the back door. It has been described as a way of so relaxing the penalties associated with euthanasia, or assisted suicide, to be more precise, that the offence is effectively not an offence at all and is sanctioned by virtue of the very slight tap on the wrist which is administered in a case where, say, a medical practitioner assists someone to commit suicide.

There are some problems with the legislation itself, quite apart from the broader issue which the legislation gives rise to. I will run through those quite quickly. The provisions deal differently with medical practitioners, health professionals and people who are neither medical practitioners nor other health professionals. Indeed, much more serious penalties are provided for those people who are not medical practitioners or health professionals than for a medical practitioner. Somewhat surprisingly or even uncharacteristically for Mr Moore, a medical practitioner doing a certain thing incurs a much lower penalty - in the case of the provisions in clauses 4 and 5, a term of imprisonment as low as three months as the maximum penalty - than a person who does exactly the same thing but who is not a medical practitioner. A non-medical person doing exactly the same thing as a medical practitioner is liable to a penalty of four years' imprisonment for the same offence.

Mr Moore: Because they are not qualified to meet all the conditions.

MR HUMPHRIES: If it is wrong to do it, in theory it should be wrong for everyone to do it; not merely because of the - - -

Mr Moore: No; it is all about shades. It is not as wrong for somebody who has a pertinent qualification and can meet the conditions.

MR HUMPHRIES: Yes; that is the argument, but we are supposed to be saying that it is wrong in any circumstance. We might say that jaywalking is wrong, just as murder is wrong, but we obviously provide different penalties for it. But we would not provide that people be differently penalised for precisely the same offence because of who they are.

Mr Moore: It is because of their qualifications.

MR HUMPHRIES: Maybe there is an argument for that. I have to say that I have not yet been able to address that. I do not see the basis for that, but I remain a little open-minded about that. I have to say that, at first instance, it strikes me as somewhat inconsistent that that should be the case. I also note that paragraph 5(e) of the Bill, of the provisions dealing with medical practitioners, uses the phrase "administered ... without assistance". If a doctor connected a patient to a machine and the patient performed an action that triggered an injection, there is room for some argument as to whether or not the patient administered the substance or the drug without assistance.

Mr Moore: That is the Nitschke method.

MR HUMPHRIES: The Nitschke method. I note that there is different terminology used in subparagraph 5(d)(i), where the phrase used is "supervises the administration of a substance". The use of those two different phrases, I think, could give rise to some confusion. I do not press that point, but that is a point that I think needs to be taken into account.

The really troubling provisions, of course, are the ones in clause 6 where we deal with infringement notices or offence notices, as they are called here. Notices like this, of course, have never been used in this kind of application. They have traditionally been used for things like parking offences and perhaps, on a more serious scale, simple cannabis offences. They have been dealt with in a way which is meant to connote something that could be dealt with administratively in a simple, straightforward way. I have grave concerns about placing the taking of a life, even in the relatively exculpatory circumstances that Mr Moore refers to, in the same category as those other offences. Obviously, Mr Moore is intending to decriminalise the offence in those circumstances. There is an offence and there is a penalty attached to it; but it does not result in a criminal conviction on the record of that particular doctor, health professional or other person.

Mr Moore: And the doctor cannot be deregistered.

MR HUMPHRIES: And the doctor cannot be deregistered and cannot be sued for malpractice and so on. That is true, but still we are dealing with someone taking somebody else's life or assisting them to take their own life and having it dealt with by way of an infringement notice. There is no guidance offered in the legislation, for example, as to the kind of situation where a police officer or the DPP might proceed by way of an infringement notice rather than by way of a prosecution under the other provisions. I wonder what policy would be put in place there. It would be a difficult circumstance to deal with.

I also note in subclause 6(2) - and this is a more technical comment - that the Director of Public Prosecutions has the capacity to serve an offence notice where a medical practitioner has been charged with an offence under clause 5. On that point, I might just note that there is no precedent anywhere in our law for the DPP to serve infringement notices; that is not his or her role at all in our present system of criminal justice. I think it does rather confuse the prosecutorial role of the DPP with the role of a police officer to enforce the law.

Mr Moore: I will answer that.

MR HUMPHRIES: Mr Moore will have an answer to that, but I have to say I am a little concerned about that arrangement.

Clause 7 provides for immunity from suit for a medical practitioner. That operates, among other things, to exempt the medical practitioner from Parts III and VIII of the Crimes Act. Again, there is an anomaly. A medical practitioner and the person who assists the medical practitioner would be liable only under the provisions of this Bill; they could not be prosecuted under the Crimes Act. They could be prosecuted only under this Bill. A nurse who assists the medical practitioner would also be liable only under the Bill, although she or he would be liable to a maximum penalty of two years' imprisonment in these circumstances. A person other than a nurse who assists - say, a pharmacist who provides the drug - would be subject to a maximum penalty of four years' imprisonment. By comparison, the doctor might receive an infringement notice and pay a small fine. That anomaly troubles me, I have to say.

Mr Moore: I will accept an amendment.

MR HUMPHRIES: You will accept an amendment? I do not think an amendment is going to solve this particular problem, Mr Moore. I suppose my overriding concern about this Bill is that it does provide very lenient penalties for what remains a criminal offence involving death, or what has been until now, at least, a criminal offence involving death. I think the use of that kind of penalty in such cases could lead to the perception in some people that the law itself was being brought into disrepute. It is using a technical way of dealing with a highly charged issue which I think would give some people real doubt about whether the law was being appropriately administered. So, I do not propose to support the Crimes (Assisted Suicide) Bill.

The Medical Treatment (Amendment) Bill is a different kettle of fish again, and I can indicate to the house that at least at this stage I do not support clauses 4 and 7 of that Bill, but I think clauses 5, 6 and 8 are reasonable. There are two objects of the Bill. One is to remove the provision that relief from pain and suffering has to be "to the maximum extent that is reasonable in the circumstances". The other object is to provide for removal of the requirement that a person make a direction in respect of a current condition rather than a condition that might accrue in the future. I fear that, without the objective test provided for in section 23 of the principal Act, we could see doctors administering pain-killing drugs in such large quantities that they kill their patients because they subjectively believe that that is appropriate to relieve pain and suffering for that patient.

Mr Moore: It is what happens very regularly in Australia right this minute, Gary.

MR HUMPHRIES: It may happen regularly in Australia, but I do not think that makes it right. My view at this stage is that the test ought to have an objective element in it; it ought to be clear that another doctor in the same circumstances would take the same view, or at least people generally would say, "That amount of pain relief is reasonable in those circumstances".

Mr Moore's interjection a moment ago, I think, discloses what this is really all about. This is about euthanasia, rather than about mere pain relief. The doctors you are referring to, I am sure, were the doctors who were administering those drugs in order to bring about death as a primary objective.

Mr Moore: Dr Brendan Nelson is one of those doctors who oppose euthanasia. He has openly said on many occasions that he has administered an overdose in this way.

MR HUMPHRIES: That may well be. That does not cut any mustard with me, I have to say. As I say, I am not prepared to support that provision at this stage. I might say, however, that the Government presently has out for public discussion an issues paper entitled "Consent to Medical Treatment in the ACT". Included in that paper is discussion of the provisions of this very section of the Medical Treatment Act, and I would be very keen to see what comments are made by medical practitioners in the ACT about the present operation of section 23. If there are comments by medical practitioners that support some revision of that provision, then I would be happy to revisit this issue.

I indicated before that the one thing Mr Moore has on the table today which I will support is the provisions in clauses 5, 7 and 8 of the Bill. Clause 5 deals with removing the requirement for a current condition to be the basis for a direction about removing future treatment, for argument's sake. I do not think it is reasonable to say that if I presently have cancer, which is likely to lead to intense pain, I can specify the treatment I will receive for that condition at some point in the future; but that if I have a complication arising from cancer, a different disease which cuts in at some point in the future and which has exactly the same impact on my lifestyle and my belief about where I should be at that point in time, I cannot issue a direction of that kind. That does not seem reasonable. So, I will certainly support the provision there.

I will make one final observation quickly. Debates about euthanasia are the sorts of debates which have characterised the ACT Legislative Assembly in the eyes of many citizens of this Territory and many people outside the ACT. This is what people imagine we spend almost all day discussing.

Mr Berry: And heroin trials.

MR HUMPHRIES: And heroin trials; euthanasia and heroin are the two big ones. Here we have a debate going on and there are only two members in the public gallery. It is rather interesting, I have to say.

MRS LITTLEWOOD (4.47): I rise this afternoon to talk to these three Bills. Firstly, I will be supporting the Euthanasia Referendum Bill. I appreciate and fully accept the arguments that have been put against it because of the cost involved. Even though I accept that as a valid argument, my conscience will not allow me to not support this. I have mentioned, and I am on record as saying, that I support a referendum on this particular issue and I believe that is a very appropriate way of going. I, therefore, will not shrink from that.

I am afraid I cannot support the Crimes (Assisted Suicide) Bill at this particular stage. There are a number of aspects there that I am not very comfortable with and, therefore, I will not support that. Yes, I will be supporting the Medical Treatment (Amendment) Bill as I, again, come down in favour of patients' rights. I feel that patients do have the right to determine what they wish and do not wish to do. So, that is where I am coming from. I will be supporting the referendum Bill. I do not expect it will get up; but I support it, irrespective of that, as a matter of principle. I will be supporting the Medical Treatment (Amendment) Bill also.

MR CORBELL (4.49): This is an issue which has been the subject of much heated debate during my time here in the Assembly, even though that has been only nearly 11 months now. What I find interesting about this debate is that Mr Moore is presenting us with an opportunity to legalise something which I support. He is presenting this Assembly, albeit in a technical way, with an opportunity to legalise something that I support. I have made clear from the very beginning that I believe voluntary active euthanasia is something that should be allowed in the Australian Capital Territory. For that reason, I was interested to hear Mrs Littlewood making comments that she is concerned about euthanasia; but when the numbers depended on her to have a law passed in this place to allow it, she was a mile away. I am concerned now to hear her playing a different tune.

The three Bills that Mr Moore presents to us today are all Bills that deal with the issue of euthanasia, but in remarkably varying ways. I would like to address each of them in turn. The Euthanasia Referendum Bill, from my perspective, is very much a Bill designed for a political purpose. It is designed to make a statement, but it is a statement which would have absolutely no effect because the power for this Assembly to legislate for voluntary active euthanasia in the form of the Bill that Mr Moore presented to the Assembly earlier this year has been taken away from us. It has been taken away by the Federal Parliament, and no amount of money we spend on a referendum will bring it back. Lobbying politically at a Federal level, even a change of government at a Federal level, maybe would bring it back; I do not know. But I know that a Euthanasia Referendum Bill, allowing for a referendum in the Australian Capital Territory at the Legislative Assembly election in February next year, will not. From that perspective, I cannot support that Bill. It is a needless waste of the resources of the Territory.

The Crimes (Assisted Suicide) Bill is, from my perspective, the most difficult piece of legislation I have had to deal with in this suite of three Bills. Now that it has come down to the crunch, my feeling is that I cannot support this Bill. I cannot support it, because it is allowing for euthanasia by the back door and does not do any credit to the debate. I cannot allow myself to vote for a piece of legislation which will allow someone to assist someone else to die and provide the same penalty as a speeding ticket. I cannot allow the opponents of euthanasia to have that ammunition against what I believe is a very important social issue. By passing this Bill, we give the opponents of euthanasia very strong ammunition. That, in a nutshell, is the reason why I am not prepared to support the Crimes (Assisted Suicide) Bill. I also read with some concern the issues that have been raised by the Scrutiny of Bills Committee in its report that was brought down in this place yesterday, and those issues have already been addressed by Mr Humphries and Mr Berry. I think they have covered quite adequately the concerns there. I echo those concerns.

The Medical Treatment Bill is a Bill which does have some useful provisions, and those provisions are in clauses 5, 6 and 8, which, I understand, provide for a living will. They are entirely appropriate reforms and, I believe, very important reforms. But again, like Mr Humphries, in relation to the other provisions of the Act that Mr Moore is seeking to amend, I believe these clauses raise some serious concerns about the level of treatment and the level of pain relief provided by doctors to patients because of the risks that they run and the risks that are opened up if these sections are amended in the way Mr Moore wants them to be amended.

This has not been an easy issue for me to consider. I have been lobbied very effectively by members of the Voluntary Euthanasia Society in the Territory. I have no doubt that they are pursuing a course which they believe is appropriate. I have no doubt that they, with the best of intentions, are pursuing, through this legislation, with the assistance of Mr Moore, a course which they believe will achieve the outcome they believe is most pressing. I believe it is a pressing issue also. I have already put on the record my support for voluntary active euthanasia, but I do not believe this is the way to go about it. It is, in a nutshell, bad law. I think it undermines the debate. I think it undermines the cause of people who propose voluntary active euthanasia. Unfortunately, I will not be supporting the Crimes (Assisted Suicide) Bill, although I will be quite happy to support some of the provisions in the Medical Treatment (Amendment) Bill.

Mrs Littlewood: I seek leave to make a personal explanation.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): That is under standing order 46. I would suggest that we deal with the matter before the house. You can make it at the appropriate time, Mrs Littlewood.

MR STEFANIAK (Minister for Education and Training) (4.56): I start out by saying that I always admire Mr Moore's perseverance and persistence in these matters. Here we go again, with three new Bills. Fairly briefly, I would agree that the Euthanasia Referendum Bill, because of the Andrews Bill, simply would have no effect at all. Secondly, I do note that Mr Moore could possibly have raised this issue through a citizen-initiated referendum - something my party is supportive of - but he has not. I wonder why he is happy for a referendum here but not happy for that other avenue to perhaps be pursued. But it is somewhat academic, given the Andrews Bill. Were it not for those factors, there might be some merit in terms of letting the people have their say. But it is a pointless exercise.

I have significant problems with the Crimes (Assisted Suicide) Bill. I have heard the arguments made by other speakers about simply having something like a traffic infringement notice type of fine for what is taking a life. I cannot morally accept that, and I think this is quite clearly a way of getting around the Andrews Bill. It would be far better for Mr Moore to pursue those issues in another form, because I do not think it really helps the debate by putting up a Bill such as this. I cannot support that.

The Medical Treatment (Amendment) Bill is an interesting one. I actually went back to the *Hansard* of 1994 to look at that debate. I recalled then there were some sensible amendments made by the then Opposition. We were, in fact, in opposition. That Bill was debated in about September, I believe, 1994. In fact, I recall, along with a couple of my colleagues, actually opposing that particular Bill then. Again, I would have to oppose that Bill as it stands. Certainly, other speakers have raised a number of issues in relation to clauses 4 and 7 which I would certainly agree with. Mr Moore is attempting to amend the section by taking out the words "to the maximum extent that is reasonable in the circumstances". I seem to recall those very words being put in and discussed in terms of the original Bill back in 1994, and for very good reason.

Mr Moore: Yes, that is correct. It was an amendment moved by Mr Connolly.

MR STEFANIAK: Yes, I think it was; and I think they were put in there for very good reason. I am a little concerned, too, at this stage. I will be interested to hear the debate in relation to clauses 5, 6 and 8 of Mr Moore's Bill. Clause 8 is more procedural, but section 6 of the Act at present states:

> A person who is of sound mind and has attained the age of 18 years may make a direction in writing, orally or in any other way ... to refuse, or for the withdrawal of, medical treatment -
>
> (a) generally;
>
> (b) of a particular kind;
>
> for a current condition.

I have a grave fear that Mr Moore is trying, again, to extend the situation from what it actually is. I am yet to be convinced that what he is proposing is, in fact, reasonable.

I have a real concern in relation to clause 6 of Mr Moore's Bill, which seeks to repeal section 10. That relates to the cessation of a direction. It states:

> A direction ceases to apply to a person if the medical condition of the person has changed to such an extent that the condition in relation to which the direction was given is no longer current.

That would effectively mean, I suppose, that person has actually recovered.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

> That the Assembly do now adjourn.

Mr Humphries: I require the question to be put forthwith without debate.

Question resolved in the negative.

EUTHANASIA REFERENDUM BILL 1997

[COGNATE BILLS:

CRIMES (ASSISTED SUICIDE) BILL 1997
MEDICAL TREATMENT (AMENDMENT) BILL 1996]

Debate resumed.

MR STEFANIAK: That would mean, if I read it correctly, that when a person's condition improves, at present that person would need, if they got another condition, to then give another direction because the original direction would cease. I would think that is a very sensible measure. I would think withdrawing that again extends the boundaries; it again takes us further along the line of what Mr Moore is basically aiming at, which is voluntary active euthanasia. Whilst I commend him for his persistence in relation to it, I have consistently said on a number of occasions in this house, dating back many years, that it is something I am not prepared to support. So, I do have those grave considerations in relation to the Medical Treatment (Amendment) Bill as well.

MR MOORE (5.02), in reply: Mr Speaker, I think I will just get the unpleasant side of the debate out of the way first. Mr Berry accused us in his own way, and he did so publicly, of thrashing around. My thrashing around is somewhat minor compared to the twisting and turning that he has done; so much so that he has twisted himself up because of his own form of opportunism. It is the very same Mr Berry who in November 1995, with reference to the legislation on voluntary active euthanasia, said:

> ... I think if I were to oppose this legislation the people who elected me could rightfully accuse me of treachery.

I imagine the people in the Voluntary Euthanasia Society will do that very thing. In fact, at a meeting here in the reception room in this Assembly Mr Berry was offered an award for his ability to say one thing and do the opposite.

It seems to me that a series of issues have been raised, and I am pleased to get to those issues. The first one is a possible challenge in the High Court. Whenever we pass any legislation there is always a possibility of a challenge in the High Court. In this case, when I tabled this legislation I also tabled a series of legal opinions - and these are legal opinions from QCs of great standing - that made it quite clear that this is likely to withstand a challenge in the High Court. That is a pretty reasonable thing to say.

The other issue that was raised, as far as challenge goes, related to the Senate. The numbers in the Senate have changed and the mood in the Senate has changed because of the reaction to the Andrews Bill. It is quite clear this legislation is not going to pass; but, had it been the situation that the legislation with regard to assisted suicide was passed, then an attempt to change it in the Senate would likely fail. It would easily pass through the House of Representatives, and blind Freddy could see that; but the Senate is a different story, particularly because of the very public statements from people like Tony Burke of the right wing of the Labor Party, who made it very clear how he had gone about pressuring members of the Labor Party and how the Liberal Party Lyons Forum had gone about pressuring members of the Liberal Party in terms of their voting. It was skiting - I think that is the only word you could use - and, I imagine, would be upsetting to all members in this chamber, because I believe that at least there has been a fair conscience vote in this Assembly; people have acted on what they believe in. It is very clear, when we hear people speaking with regard to the issue when it was before the Federal Parliament, that it was the Clayton's conscience vote; it is very clear that people on both sides of the house were under enormous pressure to vote the way they did.

Another general argument with regard to the Crimes (Assisted Suicide) Bill is that it trivialises the debate and trivialises it in that our opponents would be able to use it because they could say, "You put life at the level of a speeding ticket". What a stupid argument that is! It is sheer stupidity. Of course it is. The same opponents could be saying, "You value life as nothing", because we did not, under the previous Bill before the house which they supported, put a value on it because there was no penalty; the same with the Northern Territory. It is an absolutely stupid argument; the same as, indeed, the argument that this somehow trivialises the debate. For heaven's sake, how do you trivialise somebody who is in great pain, who is in great suffering and who seeks assistance to leave behind their pain and their suffering when they are dying? It has nothing to do with trivialising and is simply a part of turning and twisting in this debate. Whilst I have a great deal of respect for people who have opposed this legislation because of their own personal convictions, I consider that the people who use this sort of excuse for political opportunism ought to have trouble looking at themselves in the mirror.

It seems to me that Mr Humphries raised a series of very important questions about this piece of legislation. I would like to deal with those. Some of them were raised by the Scrutiny of Bills Committee. The first one relates to the Director of Public Prosecutions.

Yes, it is a very unusual manoeuvre to ask the Director of Public Prosecutions to have the ability to put an expiation notice on somebody when a police officer has chosen not to. But this is unusual legislation. It is unusual legislation because it works within the framework set by the appalling piece of legislation that Kevin Andrews managed to get through the Federal Parliament.

The Director of Public Prosecutions, do not forget, already dismisses such cases and has actually dismissed such cases completely. All it would do is give the Director of Public Prosecutions yet another choice. There are a number of doctors - I think it was seven doctors in Victoria - who have said, "I have done this; I have assisted somebody to die". They challenged the Director of Public Prosecutions to take them to court. What did the DPP in Victoria say? He said, "I am not going to take you to court". When asked why, he said, "It is their prerogative, and an appropriate prerogative; it is in the public interest that I not take you to court". Of course, it would have been a waste of taxpayers' money, because no jury in this country is going to find somebody guilty under these circumstances.

Whilst we will not pass this legislation, and it is clear that it is not going to pass, that would have put some regulation into the process - not as much as if we had dealt with it in the piece of legislation that we dealt with back in November 1995, but it would at least have set out a regulatory pattern. But instead what we get is, "We will leave this to the common law". It is quite clear that under the common law nobody will be found guilty. It happened here quite recently when a man helped his elderly brother - you may recall the case - by taking him from a nursing home in a car, putting a hose on the exhaust pipe and putting it through the window for him. He was found not guilty. But what an awful way to have to assist somebody to die! What an awful agony those two brothers must have gone through!

It seems to me that that deals with another point that Mr Humphries raised, namely, that this sort of legislation will bring the law into disrepute. No, Mr Humphries, the sort of legislation that we have now is what brings the law into disrepute, because of the way situations like that are dealt with. That is what brings the law into disrepute. It seems to me that his comment about it being a technical way of dealing with the problem is absolutely accurate. It is not my favourite way. My favourite way was when I introduced the law at the beginning of this Assembly. It was much cleaner. The Federal Government prevented us from doing that. So, I sought a technical way to deal with it, because I am not a quitter and because there was a way of still dealing with it, and that is the legislation that is before you.

Mr Humphries raised a very sensible question about why you would put different degrees of penalty because of people's different qualifications. Well, that is the structure of the Bill. The structure of the Bill is that, if somebody has the pertinent qualifications to be able to assist somebody in these circumstances, then it would be appropriate for the community to look at it in a different way; hence, the slight variation between

somebody who has no health qualifications and somebody who is a nurse, compared to somebody who is a doctor. The penalty was exactly the same for a nurse or a doctor, unless the doctor met a whole series of other qualifications. Those qualifications allowed them to make decisions as to whether the person was in a terminal phase of a terminal illness and was able to get a second opinion on it. There were a series of other things that only a medical practitioner in our society would be prepared to deal with.

Those were important issues that Mr Humphries and the Scrutiny of Bills Committee raised, but I think there are sensible answers to them. I must say that in some ways I find it disappointing that the Scrutiny of Bills Committee made so much effort to go through this Bill with a fine toothcomb, while at the same time they missed out on the Henry VIII clause in another piece of legislation. Be that as it may, we hope that each Bill gets the most detailed scrutiny it possibly can, which gives us options to look at and to choose how we should act.

There is also the Euthanasia Referendum Bill. Quite a number of people raised issues about the Euthanasia Referendum Bill, such as that it would be useless on its own. I must say that I have some sympathy for that view, but I should also remind members that this was part of a campaign right around Australia, largely carried by the Democrats. Other people in each parliament also had agreed that they would table such legislation. I was part of that campaign. Members may remember that there were quite a number of petitions tabled in this house from a large number of people, although they came in in dribs and drabs, that called for support for a referendum on this issue. It is still part of the whole notion of the legislation, and I encourage members to change their mind, therefore, on this issue. What would happen is that around Australia a proposal would go through assemblies. This could well lead to a national referendum on the issue, which I think would assist in clarifying the situation.

On that issue Mr Stefaniak says, "So, Mr Moore, why do you not support CIR?". CIR is a major transfer of power to a majority, as opposed to a referendum that is put up to try to assess a view of the community as a whole on such a divided moral issue. On the moral issue, the one thing about the whole issue that I find most difficult to comprehend is that, by passing this sort of legislation to remove an impost that one group makes on another, those who resist euthanasia legislation insist on forcing their view on other people. What I say to you is: If you do not want it - and I am talking about just euthanasia legislation generally, rather than specific legislation - do not use it; but leave those of us who do want to have this legislation available to us to make that choice for ourselves.

Not even giving us a referendum to see the general view of the community about it is appalling, but I understand the reason why the referendum is generally not supported by those who oppose this legislation. We all have different reasons, but those who oppose this legislation are dead scared of a referendum because the polling is so consistent. Right across Australia the polling on the issue of euthanasia shows that 78 per cent of people, plus or minus about half a per cent, support the right of people to choose. That is why they do not want a referendum.

I would, finally, like to turn to the last piece of legislation, the Medical Treatment (Amendment) Bill. I certainly appreciate members' support for clauses 5, 6 and 8. I think Mr Stefaniak, in his rendition of this, misunderstands. You said you were still thinking about it. All that these particular sections do is say that, for the removal of life support systems, you ought not be contained to the one existing condition. At the moment there is a requirement on somebody to write out an advance directive that says, "If I am in a motor car accident and I am left in a coma, then it is my wish that there be the removal of life support systems or I wish to refuse treatment". That is what it allows people to do; nothing else at all. It is purely a passive euthanasia measure. It is not about a slippery slope or charging anywhere. It is simply a clarification of that, and that is what those clauses that Mr Berry and Mr Humphries indicated they will be supporting are about.

The other one is more controversial, and I understand why people oppose it. I think Mr Humphries gave a very good rendition of why he would oppose it. I disagree. I think it is not about a back door to passive euthanasia. My perspective is it is about a slight transfer of power from a medical practitioner to the doctor, so that somebody who is in great pain can have a reasonable chance of getting more treatment. As far as I am concerned, that is what it is about. I can understand why people would oppose it, because they would construe it as being used differently. I would urge you to support clauses 5, 6 and 8, because they are just a clarification in that area.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 2	*NOES, 15*	
Mrs Littlewood	Mr Berry	Ms McRae
Mr Moore	Mrs Carnell	Mr Osborne
	Mr Corbell	Ms Reilly
	Mr Cornwell	Mr Stefaniak
	Mr Hird	Ms Tucker
	Ms Horodny	Mr Whitecross
	Mr Humphries	Mr Wood
	Mr Kaine	

Question so resolved in the negative.

CRIMES (ASSISTED SUICIDE) BILL 1997

Debate resumed from 24 September 1997, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

Question put.

The Assembly voted -

AYES, 3	*NOES, 14*	
Ms Horodny	Mr Berry	Mrs Littlewood
Mr Moore	Mrs Carnell	Ms McRae
Ms Tucker	Mr Corbell	Mr Osborne
	Mr Cornwell	Ms Reilly
	Mr Hird	Mr Stefaniak
	Mr Humphries	Mr Whitecross
	Mr Kaine	Mr Wood

Question so resolved in the negative.

MEDICAL TREATMENT (AMENDMENT) BILL 1996

Debate resumed from 28 August 1996, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

Question put.

The Assembly voted -

AYES, 11	*NOES, 6*
Mr Berry	Mr Cornwell
Mrs Carnell	Mr Hird
Mr Corbell	Mr Kaine
Ms Horodny	Mr Osborne
Mr Humphries	Mr Stefaniak
Mrs Littlewood	Mr Wood
Ms McRae	
Mr Moore	
Ms Reilly	
Ms Tucker	
Mr Whitecross	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

MR MOORE (5.24): Mr Speaker, let me just clarify for members that clauses 4 and 7 are the two clauses by which I seek to ensure that an individual has the ability to determine their own level of pain relief and that it does not transfer from the medical practitioner to the doctor. Certainly, I recognise, from Mr Humphries's speech earlier, that he would be likely to oppose both clauses 4 and 7, although he would be supporting clauses 5, 6 and 8. For those members who see this as a back door to active euthanasia, I argue that it is not. But again for those members who see this as a back door to active euthanasia, you would probably seek to oppose clauses 4 and 7. I think that just clarifies the situation, Mr Speaker.

MR BERRY (Leader of the Opposition) (5.25): Mr Speaker, I was just going to respond briefly by speaking to this issue and to some comments that Mr Moore made in the in-principle debate when he gave those of us who have a different view from him a bit of a serve about imposing our view on others. The fact of the matter is that the right of this Assembly has been taken away by another legislature and nothing that we do can change that. To lecture us, and me in particular, from the pulpit of righteousness on the issue of euthanasia is a little much.

Having made that comment and relieved myself of those few words, in relation to this clause and clause 7, I believe that these words that you seek to remove were put in there to ensure that there was a test for the reasonable actions of a medical professional in the context of the Medical Treatment Act. I will not be supporting their removal. They provide a protection not only to the patients but also to the medical practitioner, and they should be left there.

MR WHITECROSS (5.26): Mr Speaker, I just wanted to rise briefly to say that I am proposing to oppose this clause. I think that one possible interpretation of the deletion of this clause is that it would make no difference because professionals like doctors would still have imposed on them by courts a reasonableness test in relation to the administration of pain relief, regardless of what the patient said. I am sure a court, in considering the possible adverse consequences of administering the pain relief, would take into account whether or not the medical practitioner had acted reasonably in administering the pain relief requested by a patient. After all, a patient is not a medical practitioner; a medical practitioner is.

Mr Speaker, if, however, this would allow for the possibility of patients requesting pain relief in excess of what might be considered reasonable and would provide some defence for the doctor against any suggestion that the amount of pain relief was unreasonable, then my concern is that it opens up the possibility for patients to seek termination of life without the kinds of safeguards which were in the euthanasia Bills which this house has

considered in the past and which I have voted for in the past. I think those Bills were good pieces of legislation, and I was happy to vote for them. I was disappointed that a majority of people in this Assembly were not willing to vote for them, but that legislation provided safeguards to ensure that people requesting the administration of drugs which were likely to cause death had appropriate safeguards to ensure that everyone after the event could be confident that their intention was properly carried out. This approach seems to me to not have any of those same safeguards, although it could possibly be used in the same way.

Mr Speaker, subsection (2) of section 23, which is the section that we are amending, provides that in deciding on a level of pain relief the doctor should take account of what the patient says about their level of pain. If our concern is to ensure that the doctor appropriately manages the patient's pain, then I think subsection 23(2) provides for the necessary impetus to ensure that the doctor appropriately takes account of the amount of pain that the patient is suffering from. What we are talking about here goes beyond that. What we are talking about here is removing words designed to suggest a reasonableness test on the part of the medical practitioner as to the amount of pain relief that is required. I suspect that deleting these words makes no difference; but, if it does make a difference, I think the difference is an undesirable one. For that reason, I will be voting against the clauses.

MR MOORE (5.30): I think it is worth responding to the concerns that Mr Whitecross raises, specifically with reference to section 23. I will try to do them both. Clause 7 actually refers to section 23 and section 4, the objectives of the Act; but it is the same argument. When Mr Connolly moved the amendment to add this, the argument was that we needed a test of reasonableness. When you add a test, you change the dynamics between the medical practitioner and the patient. Adding the test means that the medical practitioner no longer takes into account the patient's concerns alone. He or she takes into account the patient's concern about the issue, on the one hand; but they also have to take into account the concern that you can now bring a court in to test this reasonableness and to test whether that was an adequate amount of pain relief.

The example that I gave earlier when I introduced this Bill was that a patient who had been perhaps opiate dependent, perhaps a methadone patient, perhaps even somebody who regularly used a drug like panadeine forte, could well have a higher tolerance to morphine than would normally be expected. Certainly, it would be so for somebody who was heroin dependent. It may be possible, as I gave the example, that the doctor has to take that into account. There is no question about that. The doctor might also, though, be caught up in the situation, with somebody who is heroin dependent, that they are effectively sworn to secrecy because that person does not want anybody to ever know they were heroin dependent. Therefore, they are in a situation where the reasonable test puts them in an awkward position; but that is an extreme example. By putting an extra test in place, it means that the medical practitioner is not dealing with just the pain that the patient is suffering but is dealing with a series of other issues about how a court and his peers might see it.

That is why I sought to remove this test that was added to the legislation by the Assembly, on the amendment of Mr Connolly - at very much the last minute, I might add. That is the argument. I think Mr Whitecross is quite correct in saying that, in practical circumstances, in the vast majority of cases it would make no difference; but it does just change that power relationship between the patient and the doctor. The patient says, "I am in pain; I need more pain relief", although the doctor always has the ability to say, "No; I am not prepared to provide that". At least the doctor would be more inclined to listen to the patient. That was the point of the exercise as far as I was concerned.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 6	*NOES, 11*
Mrs Carnell	Mr Berry
Ms Horodny	Mr Corbell
Mr Humphries	Mr Cornwell
Mrs Littlewood	Mr Hird
Mr Moore	Mr Kaine
Ms Tucker	Ms McRae
	Mr Osborne
	Ms Reilly
	Mr Stefaniak
	Mr Whitecross
	Mr Wood

Question so resolved in the negative.

Clause negatived.

Clause 5

MR BERRY (Leader of the Opposition) (5.35): Mr Speaker, I just indicate that - I have said this on a previous occasion - I will be supporting clauses 5, 6 and 8, for the reasons I have already outlined.

Clause agreed to.

Clause 6 agreed to.

Clause 7 negatived.

Clause 8 agreed to.

Title agreed to.

Question put:

That the Bill, as amended, be agreed to.

The Assembly voted -

AYES, 13		*NOES, 4*
Mr Berry	Mr Moore	Mr Cornwell
Mrs Carnell	Mr Osborne	Mr Hird
Mr Corbell	Ms Reilly	Mr Kaine
Ms Horodny	Ms Tucker	Mr Stefaniak
Mr Humphries	Mr Whitecross	
Mrs Littlewood	Mr Wood	
Ms McRae		

Question so resolved in the affirmative.

Bill, as amended, agreed to.

PERSONAL EXPLANATIONS

MRS LITTLEWOOD: Mr Speaker, I seek leave to make a personal statement, under standing order 46.

Leave granted.

MRS LITTLEWOOD: During the last debate Mr Corbell made some comments, as did Mr Berry, regarding my position on this particular issue of euthanasia. For the record, I would like to put down exactly what happened and what I did in that case. I had been in this chamber approximately three days, I think, when the vote came on. I entered this area with the intention of voting the Bill down and voting no because I had not had time to go through the Bill and was not comfortable with things that were in that Bill. People who were here at the time will recall that there was a bit of toing-and-froing taking place. Members of my party realised that I was not comfortable in voting no, but I did not think I had any option.

Mr Berry: They were all over you like a rash up in the corner there.

MR SPEAKER: Order!

MRS LITTLEWOOD: Mr Berry, you have had your go; just shush and be quiet and listen to me having my go. Because I was not comfortable with that and because I was not, I suppose, confident enough with standing orders - I am probably still not confident enough with standing orders - I chose to take the route of voting no because I felt that was the safest way of going. However, in the course of that morning I was advised by the

Chief Minister that if I wished to adjourn the debate I could do so, to give me more time to analyse the Bill and to confer with someone whom I have a very high regard for and who, in fact, was out of Australia at the time and I could not speak to. Therefore, I moved to adjourn the debate. That was the reason I did it. I had every intention of coming back to vote. In the interim, the Andrews Bill was passed, which made the whole thing fairly academic. So, for the record, Mr Speaker, that is what happened and - - -

Mr Berry: Tell us about the phone call from the Prime Minister.

MR SPEAKER: Order!

MRS LITTLEWOOD: I did not have any phone call. We are allowed to use our consciences, Mr Berry; it is something that your side of the house would not know about.

MR SPEAKER: Order! That is the end of the personal explanation.

MRS LITTLEWOOD: Thank you, Mr Speaker.

MR HUMPHRIES (Attorney-General): Mr Speaker, let me make just a small observation: I had intended to vote against clause 4 of that Bill, but I voted in favour of it. I do not seek to correct the record, but I just want to put it on the record so that it is there.

ADJOURNMENT

Motion (by **Mr Humphries**) proposed:

> That the Assembly do now adjourn.

Mental Health Crisis Hotline

MR BERRY (Leader of the Opposition) (5.40): At lunchtime today, Wednesday, 5 November, a member of the community attempted to contact the mental health emergency 24-hour-a-day crisis hotline. The phone rang out twice and the member stopped attempting to contact the hotline. It seems that our 24-hour-a-day crisis hotline is now perhaps a 23-hour one. I pose the question to the Health Minister: Are the mentally ill meant to wait until after lunch to get adequate care?

Mental Health Crisis Hotline

MR HUMPHRIES (Attorney-General) (5.40), in reply: Mr Speaker, I have to say, as the person that established that 24-hour crisis service, I think it is a little unfortunate that Mr Berry should make such comments. Any system, no matter how well established, no matter how well resourced, will occasionally encounter glitches. Mr Berry's comments, I am sure, do not particularly strike greatly at the Government's policies on the crisis service, because it has not been changed in any way. What they do strike at, though, is the professionalism of the people who man that service; and that is pretty unfortunate, in my view.

Question resolved in the affirmative.

Assembly adjourned at 5.41 pm